

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term 2018

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No.

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TONY LIPSCOMB,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

**MOTION FOR LEAVE TO PROCEED**  
**IN FORMA PAUPERIS**

The Petitioner, Tony Lipscomb, through his attorney,  
hereby moves pursuant to Supreme Court Rule 39.1, for leave to  
proceed *in forma pauperis* before this Court. In support of his  
motion, Petitioner states that he has, under the Criminal Justice  
Act of 1964 (18 U.S.C. § 3006A), been represented by appointed  
counsel throughout the proceedings below and remains without  
sufficient funds to afford counsel or payment of costs.

WHEREFORE, Petitioner respectfully prays that an order  
be entered granting him leave to proceed *in forma pauperis*.

Dated September 26, 2018, at Chicago, Illinois.

By: s/William H. Theis  
William H. Theis  
Counsel of Record  
For the Petitioner

WILLIAM H. THEIS  
FEDERAL DEFENDER PROGRAM  
55 E. Monroe Street, Suite 2800  
Chicago, Illinois 60603  
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## DECLARATION

William H. Theis states that he is an attorney with the Federal Defender Program, which was appointed by the United States Court of Appeals for the Seventh Circuit, pursuant to the Criminal Justice Act, to represent Petitioner in the Court of Appeals.

The Petitioner is in custody and does not have the financial ability to afford an attorney on this petition to the United States Supreme Court for a writ of certiorari.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Executed on September 26, 2018, at Chicago, Illinois.

s/William H. Theis  
William H. Theis  
Counsel of Record  
For the Petitioner