

IN THE SUPREME COURT OF THE UNITED STATES

UNITED STATES OF AMERICA,
Respondent,

v.

FRANCISCO MELGAR-CABRERA,
Petitioner.

ON PETITION FOR WRIT OF CERTIORARI
AFTER DIRECT APPEAL FROM
THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO,
THE HONORABLE WILLIAM P. JOHNSON,
UNITED STATES DISTRICT JUDGE,
CASE NO. 09-CR-2962-WJ,
TO THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT,
NO. 16-2018

**PETITIONER FRANCISCO MELGAR-CABRERA'S
AMENDED MOTION FOR LEAVE TO PROCEED
*IN FORMA PAUPERIS***

SCOTT M. DAVIDSON
COUNSEL FOR PETITIONER FRANCISCO MELGAR-CABRERA
THE LAW OFFICE OF SCOTT M. DAVIDSON, PH.D., ESQ.
1011 LOMAS BOULEVARD NW
ALBUQUERQUE, NM 87102
505-255-9084
scott@justappeals.net

Petitioner Francisco Melgar-Cabrera, by and through counsel of record, Scott M. Davidson, asks leave to file the attached amended petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner Melgar-Cabrera has previously been granted leave to proceed *in forma pauperis* in this case in the following courts: United States District Court for the District of New Mexico, and the United States Court of Appeals for the Tenth Circuit.

Undersigned counsel has been appointed pursuant to the Criminal Justice Act to represent Petitioner Melgar-Cabrera in appellate proceedings in the Tenth Circuit and in this Court during the certiorari process.

This amended motion is being re-submitted due to the fact that the original certiorari petition did not have lower court opinions attached. The original motion to proceed *in forma pauperis* was timely filed with the certiorari petition on September 6, 2018; an amended certiorari petition is being filed on this date.

Petitioner Melgar-Cabrera is incarcerated at USP Victorville, a facility of the United States Bureau of Prisons. On information and belief, Petitioner Melgar-Cabrera's previous *in forma pauperis* status has not changed materially since undersigned counsel's appointment by the Tenth Circuit on February 17, 2016.

Respectfully submitted,



SCOTT M. DAVIDSON

COUNSEL FOR PETITIONER FRANCISCO MELGAR-CABRERA
THE LAW OFFICE OF SCOTT M. DAVIDSON, PH.D., ESQ.
1011 LOMAS BOULEVARD NW
ALBUQUERQUE, NM 87102
505-255-9084
scott@justappeals.net