

No. 18-____

IN THE

Supreme Court of the United States

JAMES GABRIEL SMITH,

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

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

Petitioner James Gabriel Smith respectfully asks this Honorable Court for leave to proceed *in forma pauperis* so that he may file the accompanying Writ of Certiorari with the Court. Petitioner is indigent and is currently serving a 20-year sentence in a federal prison in West Virginia, where he is not receiving any significant income. Undersigned counsel has represented Petitioner throughout his appeal in the Sixth Circuit Court of Appeals through an appointment under the Criminal Justice Act, 18 U.S.C. § 3006A. That order of appointment is appended to this motion as required under Supreme Court Rule 39.

Respectfully submitted,

Kimberly Penix
Colorado Bar No. 48050
3845 Tennyson Street #150
Denver, CO 80212
(608) 620-3529
kimberly@aldermanlawfirm.com
CJA Counsel for Petitioner

October 19, 2018

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: November 17, 2017

Ms. Kimberly Penix
Law Office
311 Colwyn Avenue
Cumberland Gap, TN 37724

Re: Case No. 17-2350, *USA v. James Smith*
Originating Case No. : 1:16-cr-00132-3

Dear Counsel,

This confirms your appointment to represent the defendant in the above appeal under the Criminal Justice Act, 18 U.S.C. § 3006A.

You must file your appearance form and order transcript within 14 days of this letter. The appearance form and instructions for the transcript order process can be found on this court's website. Please note that transcript ordering in CJA-eligible cases is a two-part process, requiring that you complete both the financing of the transcript (following the district court's procedures) and ordering the transcript (following the court of appeals' docketing procedures). Additional information regarding the special requirements of financing and ordering transcripts in CJA cases can be found on this court's website at <http://www.ca6.uscourts.gov/criminal-justice-act> under "Guidelines for Transcripts in CJA Cases."

Following this letter, you will receive a notice of your appointment in the eVoucher system. That will enable you to log into the eVoucher system and track your time and expenses in that system. To receive payment for your services at the close of the case you will submit your voucher electronically via eVoucher. Instructions for using eVoucher can be found on this court's website. Your voucher must be submitted electronically no later than 45 days after the final disposition of the appeal. *No further notice will be provided that a voucher is due.* Questions regarding your voucher may be directed to the Clerk's Office at 513-564-7078.

Finally, if you become aware that your client has financial resources not previously disclosed or is no longer eligible for appointed counsel under the Criminal Justice Act, please contact the Clerk or Chief Deputy for guidance.

Sincerely yours,