

ORIGINAL

No.

Supreme Court of the United States

LARRY J. NORTON,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW PETITIONER LARRY J. NORTON and respectfully moves this Honorable Court for leave to proceed in forma pauperis, in accordance with the provisions of Title 28, United States Code, Section 1915, and Rule 39 of the Rules of this Court.

The affidavit of Larry J. Norton in support of this motion is attached hereto.

Mr. Norton sought leave to proceed in forma pauperis in the court below.

Mr. Norton was granted leave to proceed in forma pauperis in the court below.

FILED
OCT 10 2018
OFFICE OF THE CLERK
SUPREME COURT, U.S.

The statute under which Mr. Norton was appointed counsel by the Court of Appeals for the Seventh Circuit was the Criminal Justice Act of 1964, 18 U. S. C. § 3006A. Therefore, in reliance upon Supreme Court Rule 39.1 and 18 U.S.C. § 3006A(d)(7), petitioner has *not* attached the affidavit which would otherwise be required.**

Presented herewith is Mr. Norton's Petition for Writ of Certiorari to the Court of Appeals for the Seventh Circuit.

Larry J. Norton

Larry J. Norton
Petitioner
06072-027
P.O. Box 33
Terre Haute, IN 47808

Date: Oct - 2 - 2018

** Supreme Court Rule 39.1 provides:

A party seeking to proceed in forma pauperis shall file a motion for leave to do so, together with the party's notarized affidavit or declaration (in compliance with 28 U.S.C. § 1746) in the form prescribed by the Federal Rules of Appellate Procedure, Form 4. The motion shall state whether leave to proceed in forma pauperis was sought in any other court and, if so, whether leave was granted. *If the United States district court or the United States court of appeals has appointed counsel under the Criminal Justice Act of 1964, 18 U.S.C. § 3006A, or under any other applicable federal statute, no affidavit or declaration is required, but the motion shall cite the statute under which counsel was appointed.*" *Id.* (As Amended Jan. 27, 2003, eff. May 1, 2003.) (emphasis added)

18 U.S.C. § 3006A(d)(7) provides:

(7) Proceedings before appellate courts. If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and *without filing the affidavit required by section 1915(a) of title 28.* *Id* (emphasis added)

Court of Appeals Docket #: 17-2898

USA v. Larry Norton

* * * * *

07/16/2018 TEXT ENTRY: Attorney Andrew L. Teel for Appellant Larry J. Norton is APPOINTED pursuant to the Criminal Justice Act. DW [6938405-2] [6938405] [17-2898] (LJ) [Entered: 07/16/2018 11:09 AM]