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IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2018

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JAMES D. RUSSIAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Tenth Circuit

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

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The Petitioner, James D. Russian, by and through his court-appointed counsel, Howard A. Pincus, Assistant Federal Public Defender for the District of Colorado, respectfully requests this Honorable Court for leave to proceed *in forma pauperis* in applying for a Writ of Certiorari. In support of this request, Petitioner states that undersigned counsel was appointed

pursuant to the Criminal Justice Act by the United States Court of Appeals for the Tenth Circuit, and that he is unable to retain counsel and pay for costs attendant to the proceedings before this Honorable Court.

WHEREFORE, the Petitioner, James D. Russian, respectfully requests that he be granted leave to proceed *in forma pauperis*.

Respectfully submitted,

VIRGINIA L. GRADY  
Federal Public Defender

/s/ Howard A. Pincus  
HOWARD A. PINCUS  
Assistant Federal Public Defender  
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