

**CAPITAL CASE
EXECUTION SCHEDULED FOR DECEMBER 6, 2018, at 7:00 P.M., CST**

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

**DAVID EARL MILLER, STEPHEN MICHAEL WEST, and
NICHOLAS TODD SUTTON,**

Petitioners,

v.

**TONY PARKER, in his official capacity as Commissioner,
Tennessee Department of Corrections,
TONY MAYS, in his official capacity as Warden,
Riverbend Maximum Security Institution,**

Respondents.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Miller, West and Sutton*

Petitioners David Earl Miller, Stephen Michael West, and Nicholas Todd Sutton, request leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis* pursuant to Supreme Court Rule 39.

Petitioner Miller has previously been granted leave to proceed *in forma pauperis* in the United States District Court for the Eastern District of Tennessee and continued to proceed *in forma pauperis* on appeal. Further, Petitioner was found to be indigent and permitted to proceed *in forma pauperis* by the Tennessee state courts. Petitioner Miller's counsel were appointed by the United States District Court for the Eastern District of Tennessee pursuant to 21 U.S.C. § 848(q)(7) (2001), presently codified at 18 U.S.C. § 3599.

Petitioner West has previously been granted leave to proceed *in forma pauperis* in the United States District Court for the Eastern District of Tennessee and continued to proceed *in forma pauperis* on appeal. Further, Petitioner was found to be indigent and permitted to proceed *in forma pauperis* by the Tennessee state courts. Petitioner West's counsel were appointed by the United States District Court for the Eastern District of Tennessee pursuant to 21 U.S.C. § 848(q)(7) (2001), presently codified at 18 U.S.C. § 3599.

Petitioner Sutton has previously been granted leave to proceed *in forma pauperis* in the United States District Court for the Eastern District of Tennessee and continued to proceed *in forma pauperis* on appeal. Further, Petitioner was found to be indigent and permitted to proceed *in forma pauperis* by the Tennessee

state courts. Petitioner Sutton's counsel were appointed by the United States District Court for the Eastern District of Tennessee pursuant to 21 U.S.C. § 848(q)(7) (2000), presently codified at 18 U.S.C. § 3599.

Dated: November 15, 2018

Respectfully submitted,



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