

No. _____

IN THE
Supreme Court of the United States

DAVID UPSHAW,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner, David Upshaw, asks leave to file the enclosed Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit without prepayment of costs and to proceed *in forma pauperis* in accordance with Supreme Court Rule 39, and Title 18, U.S.C., 3006A(d)(6). The filing of this petition is a continuation of the representation of the defendant under a Criminal Justice Act appointment of the Office of the Federal Public Defender for the Northern District of Florida, by the United States District Court. In accordance with Title 18, U.S.C., 3006A(d)(6), no affidavit as required by Supreme Court Rule 39, need be filed.

WHEREFORE, Petitioner, David Upshaw, prays for leave to proceed *in forma pauperis.*

Dated this 16th day of November, 2018.

Respectfully submitted by,

RANDOLPH P. MURRELL
Federal Public Defender



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