

**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,

Petitioner,

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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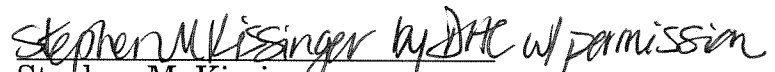
Counsel of Record for Petitioner Miller

Petitioner David Earl Miller requests 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 Middle 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.

Dated: December 3, 2018

Respectfully submitted,


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