

Capital Case

Case No. _____

In the Supreme Court of the United States

KEVIN RAY UNDERWOOD,

Petitioner,

v.

MIKE CARPENTER, Warden,

Oklahoma State Penitentiary,

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Kevin Ray Underwood, is now being held by the Oklahoma Department of Corrections, currently incarcerated at the Oklahoma State Penitentiary, where he is serving a sentence of death. Mr. Underwood requests leave to file the attached *Petition for Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit* without payment of costs and to proceed *in forma pauperis* pursuant Rule 39 of the Rules of the Supreme Court of the United States.

Mr. Underwood is indigent and has been represented by appointed counsel throughout the proceedings against him. On February 2, 2012, the United States District Court for the Western District of Oklahoma, Case No. CIV-12-111-D, appointed the Office of the Federal Public Defender for the Western

District of Oklahoma to represent Mr. Underwood, pursuant 18 U.S.C. § 3006A. In addition, the Tenth Circuit Court of Appeals granted Petitioner's Motion to Continue CJA Appointment on Appeal in Case No. 16-6262, Order issued October 12, 2016. Therefore, Mr. Underwood is not required to submit a notarized affidavit or declaration in support of this motion. See Supreme Court Rule 39.1. This motion precedes and is attached to the Petition for Writ of Certiorari in compliance with Supreme Court Rule 39.2.

Respectfully submitted,

s/ Sarah M. Jernigan

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Dated this 14th day of January, 2019