

No. _____

In the
Supreme Court of the United States

NATHAN SMITH III, Petitioner

v.

SHERRY PENNYWELL, and P.L. VASQUEZ Respondents

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

Motion for Leave to Proceed in Forma Pauperis

Petitioner, by his undersigned counsel, seeks leave to file the attached petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit without prepayment of costs and to proceed in forma pauperis. In the Ninth Circuit, the petitioner had appointed counsel. In

the District Court petitioner was represented by the undersigned counsel.

In state court petitioner was represented by appointed appellate counsel.

This motion is brought pursuant to Rule 39.1 of the Rules of the Supreme Court of the United States.

Respectfully submitted,

Date: January 27, 2019

By: /s/ Charles R. Khoury Jr.

Attorney for Petitioner