

No.

IN THE SUPREME COURT OF THE UNITED STATES

JAMES STEVEN MAXWELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

**Julia L. O'Connell
Federal Public Defender**

**Barry L. Derryberry
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Counsel for Petitioner**

February 15, 2018

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, James Maxwell, an indigent party in this case, moves for leave to proceed in forma pauperis for the purpose of filing a Petition for Writ of Certiorari in this Court.

Petitioner's financial indigency was recognized by the United States Court of Appeals for the Tenth Circuit, which on July 30, 2018, appointed the Office of Federal Public Defender identified below to represent Petitioner pursuant to the Criminal Justice Act (18 U.S.C. §3006A). See also Fed.R.Crim.P. Rule 44(a) (providing right to appointment of counsel on appeal for defendants unable to obtain counsel). A copy of the appointment order is attached to this Motion. The Petitioner has since been continuously represented by his appointed counsel.

Petitioner requests that this Court grant leave to proceed in forma pauperis pursuant to Supreme Court Rule 39.1, and permit Petitioner to submit his Petition for Writ of Certiorari without prepayment of filing fees and costs.

Respectfully submitted,

s/Barry L. Derryberry

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