

No. \_\_\_\_\_

IN THE  
SUPREME COURT FOR THE UNITED STATES

IN RE DAMON GRAHAM,

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

NOW COMES, the Petitioner Damon Graham, respectfully asking leave to file the accompanying petition for writ of mandamus without prepayment of costs and to proceed in forma pauperis. The Petitioner has previously been determined indigent in the United States District Court for the District of Rhode Island when receiving court-appointed counsel as representation through the Criminal Justice Act<sup>1</sup> of 1964, 18 U.S.C. § 3006A. (See Attachment, Docket No. 2 & 3). The Petitioner currently receives a monthly prison employment pay of only \$5.28 which is not enough to cover the expenses associated with the filing of the petition for writ of mandamus.

Therefore, Petitioner respectfully request this Court to grant the Petitioner's motion for leave to proceed in forma pauperis and continue to acknowledge Petitioner's previous indigent status granted to him during pretrial proceedings in the district court.


**RECEIVED**

**OCT 25 2018**

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Respectfully submitted,

Dated: October 18, 2018

/s/ 

Damon Graham, In propria persona  
Fed. Reg. No. 13787-014  
FMC Devens  
Post Office Box 879  
Ayer, Massachusetts  
01432

- 1) In accordance with U.S. Supreme Court Rule 39.1, Proceedings In Forma Pauperis, "if the court below appointed counsel for an indigent party, no affidavit or declaration is required, but the motion shall cite the provision of law under which counsel was appointed, or a copy of the order of appointment shall be appended to the motion".

07/18/2013		Arrest of Damon Graham (Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 07/18/2013)
07/18/2013	<u>2</u>	NOTICE OF ATTORNEY APPEARANCE: Michael J. Feeney appearing for Damon Graham (Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 07/18/2013)
07/18/2013		Minute Entry for proceedings held before Magistrate Judge Lincoln D. Almond:Initial Appearance as to Damon Graham held on 7/18/2013 (Daly, Chin, Feeney) PTS Blanchette; Court informs deft of rights & charges; Deft understands rights & charges; CJA appointed; Deft Counsel requests preliminary exam; Govt requests detention; Deft Counsel reserves the right to argue for bail in the future; Deft remanded, ( Preliminary Hearing/Detention Hearing set for 7/23/2013 10:30 AM in Courtroom A before Magistrate Judge Lincoln D. Almond.)(Courtroom A at 3:33 PM.) (Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 07/18/2013)
07/18/2013		<b>NOTICE OF HEARING DEFENDANT REQUEST</b> as to Damon Graham. Preliminary Hearing/Detention Hearing set for 7/23/2013 10:30 AM in Courtroom A before Magistrate Judge Lincoln D. Almond.(Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 07/18/2013)
07/23/2013	<u>3</u>	CJA 20 APPOINTMENT OF COUNSEL. Michael Feeney appointed for Damon Graham. So Ordered by Magistrate Judge Lincoln D. Almond on 7/18/2013. (Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 07/23/2013)
07/23/2013		Minute Entry for proceedings held before Magistrate Judge Lincoln D. Almond:Preliminary Hearing as to Damon Graham held on 7/23/2013 (Chin, Daly, Feeney) PTS Pletcher; Waiver of Preliminary Exam; Court informs deft of rights; Deft understands rights & waiver; Deft signs waiver; Court accepts waiver; No bail argument; Deft remanded (Courtroom A at 11:05 am.) (Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 07/23/2013)
07/23/2013	<u>4</u>	WAIVER of Preliminary Hearing by Damon Graham accepted by MJ Almond (Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 07/23/2013)
07/23/2013	<u>5</u>	ORDER OF DETENTION as to Damon Graham. So Ordered by Magistrate Judge Lincoln D. Almond on 7/23/2013. (Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 07/23/2013)
07/24/2013	<u>6</u>	Arrest Warrant Returned Executed on 7/18/2013 in case as to Damon Graham. (Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 07/24/2013)
08/14/2013	<u>7</u>	Joint MOTION to Exclude <i>Certain Time Under the Speedy Trial Act</i> filed by USA as to Damon Graham. (Chin, Pamela) [1:13-mj-00264-LDA] (Entered: 08/14/2013)
08/15/2013	<u>8</u>	ORDER granting <u>7</u> Motion to Exclude as to Damon Graham (1). The period from 8/16/2013 through 9/13/2013 is excluded. So Ordered by Magistrate Judge Lincoln D. Almond on 8/14/2013.(Noel, Jeannine) [1:13-mj-00264-LDA] (Entered: 08/15/2013)