

IN THE SUPREME COURT OF THE UNITED STATES

JOHN L. LOTTER	)	
	)	
Petitioner-Appellant	)	
	)	No. _____
vs.	)	
	)	This is a capital case
STATE OF NEBRASKA	)	
	)	
Respondent-Appellee.	)	

PETITIONER'S MOTION TO PROCEED *IN FORMA PAUPERIS*

Petitioner John Lotter respectfully moves this Court for leave to file the accompanying petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner states as follows in support of this motion:

1. Petitioner is an indigent death-sentenced prisoner incarcerated in Nebraska, and he is entirely without funds with which to pay the costs and fees associated with his petition for writ of certiorari.
2. Petitioner was previously granted leave to proceed *in forma pauperis* in the Nebraska Supreme Court, the District Court of Richardson County, Nebraska, the United States District Court for the District of Nebraska, and the United States Court of Appeals for the Eighth Circuit.
3. The United States District Court for the District of Nebraska appointed counsel for petitioner in order to pursue federal habeas corpus remedies, pursuant to 18 U.S.C. § 3599(a)(2). Federally-appointed counsel represented petitioner on

his underlying post-conviction motion and the appeal from its denial in the Nebraska Supreme Court.

WHEREFORE, for all the foregoing reasons, petitioner respectfully requests leave to file his petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Respectfully submitted,



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