

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

IN THE  
**SUPREME COURT OF THE UNITED STATES**

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**CESAR ARCE-HERNANDEZ,**  
*Petitioner,*

v.

**UNITED STATES OF AMERICA,**  
*Respondent.*

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***MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS (Rule 39)***

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Petitioner ask leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* both in the District Court and in the Ninth Circuit Court of Appeals under the Criminal Justice Act (18 USC § 3006A).

/s/ ATMORE L. BAGGOT  
Appointed CJA Counsel for Petitioner  
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Counsel of Record

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