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No.

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IN THE

SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2018

PRESTON PHILLIPS,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

---

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF  
APPEALS FOR THE EIGHTH CIRCUIT

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MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS

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Western District of Missouri

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Attorney for Petitioner

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COMES NOW Petitioner, Preston Phillips, by his attorney, Dan Goldberg, Attorney for Petitioner, Federal Public Defender, Western District of Missouri, and moves this Court, pursuant to 28 U.S.C. §1915, 18 U.S.C. § 3006A and Sup. Ct. R. 39.1 and .2, for leave to file a petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit without prepayment of docket or other fees, and to proceed In Forma Pauperis. The petition accompanies this motion.

United States Magistrate Judge Robert Larsen appointed the Federal Public Defender Office to represent Mr. Phillips pursuant to the Criminal Justice Act on April 22, 2013. Mr. Phillips was indicted in the United States District Court, Western District of Missouri, for felon in possession of firearm on April 4, 2013. Following Mr. Phillips's guilty plea, he appealed his sentence of 200 months of imprisonment. The Eighth Circuit affirmed his sentence. The Supreme Court granted Mr. Phillips' petition for certiorari, and remanded to the Eighth Circuit for further

consideration. The Eighth Circuit, in turn, remanded the case to the district court for re-sentencing. On remand, the district court sentenced Mr. Phillips to the same ACCA sentence of 200 months' imprisonment. The Eighth Circuit affirmed the judgment of the district court. From this decision, Mr. Phillips seeks certiorari. On appeal the Federal Defender continued to represent Mr. Phillips without payment of fees or costs or security and without filing the affidavit required by 28 U.S.C. § 1915(a), all pursuant to 18 U.S.C. § 3006A(d)(7). Because both the United States District Court for the Western District of Missouri and the United States Court of Appeals for the Eighth Circuit permitted Mr. Phillips to proceed In Forma Pauperis and appointed counsel for him, no affidavit in support of this Motion to Proceed In Forma Pauperis in this Court is required. 18 U.S.C. § 3006A(d)(7) and Sup. Ct. R. 39.1.

s/Dan Goldberg  
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