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No.

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IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2019

SEAB NOLEN,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

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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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LAINÉ CARDARLLA  
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Western District of Missouri

DAN GOLDBERG  
Assistant Federal Public Defender  
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(816) 471-8282  
Attorney for Petitioner

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COMES NOW Petitioner, Seab Nolen, by his attorney, Dan Goldberg, Assistant Federal Public Defender, Western District of Missouri, and moves this Court, pursuant to 28 U.S.C. §1915, 18 U.S.C. § 3006A(d)(6) 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.

On December 7, 2016, the Federal Public Defender's Office was appointed to represent Mr. Nolen pursuant to the Criminal Justice Act and a standing order entered by Chief District Court Judge Kays. An amended petition pursuant to 28 U.S.C. § 2255 seeking to vacate the sentence previously imposed in criminal case

number 4:12cr-00169 was filed on January 17, 2016. Following denial of Mr. Nolen's § 2255 motion, he filed a notice of appeal and a motion for certificate of appealability at the Eighth Circuit Court of Appeals. On appeal the Federal Defender continued to represent Mr. Nolen 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. Nolen 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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