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

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In the  
**Supreme Court of the United States**

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**SEFERINO MARTINEZ**, Petitioner

v.

**UNITED STATES OF AMERICA**, Respondent

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On Petition for Writ of Certiorari to the  
United States Court of Appeals  
for the Tenth Circuit

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**Motion for Leave to Proceed in Forma Pauperis**

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The petitioner, by his undersigned counsel, asks leave to file the attached petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit without prepayment of costs and to proceed in forma pauperis. The petitioner was represented by counsel appointed in the trial court and the court of appeals under the Criminal Justice Act, 18 U.S.C. §3006A(b).

\* \* \*

This motion is brought pursuant to Rule 39.1 of the Rules of the Supreme Court of the United States.

Respectfully submitted,

DATED: October 10, 2019

By: *s/Stephen P. McCue*  
STEPHEN P. MCCUE  
Federal Public Defender  
Attorney for the Petitioner