

No. ____-____

IN THE SUPREME COURT OF THE UNITED STATES

MARK GERTH,
Petitioner,

v.

WARDEN, ALLEN OAKWOOD CORRECTIONAL INSTITUTION,
Respondent.

*ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT*

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Counsel for Petitioner

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Appointed counsel, on behalf of Petitioner Mark Gerth, respectfully requests leave to file the Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit without the pre-payment of costs or fees, and to proceed *in forma pauperis* under Rule 39.1 of the Supreme Court Rules.

The court below, the United States Court of Appeals for the Sixth Circuit, appointed counsel for Petitioner under 18 U.S.C. § 3006A. (See Exhibit A) Accordingly, under Rule 39.1 of this Court, an affidavit of Petitioner's indigency is not required.

For these reasons, and in the interest of justice, Petitioner Mark Gerth respectfully requests that Court grant his motion for leave to proceed *in forma pauperis*.

Respectfully submitted,



KORT W. GATTERDAM

Member of the Bar of This Court

Counsel of Record

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Counsel for Petitioner

Date: November 25, 2019

EXHIBIT

A

FILED

Mar 15, 2018

DEBORAH S. HUNT, Clerk

No. 17-4091

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MARK GERTH,

Petitioner-Appellant,

V.

WARDEN, ALLEN OAKWOOD
CORRECTIONAL INSTITUTION,

Respondent-Appellee.

ORDER

Mark Gerth, an Ohio prisoner, appeals the district court's order denying his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. He has filed a motion for the appointment of counsel.

The motion is **GRANTED**. *See* 18 U.S.C. § 3006A.

ENTERED BY ORDER OF THE COURT

Wm L. Hunt

Deborah S. Hunt, Clerk