

No.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2019

PHILLIP SMITH, *Petitioner*,

v.

COLLINS, FIRST NAME UNKNOWN, ET AL., *RespondentS*.

MOTION TO PROCEED IN FORMA PAUPERIS

Pursuant to Title 18, United States Code ' 3006A(d)(7) and Rule 39 of this Court, Petitioner Phillips Smith asks leave to file the attached Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit without prepayment of fees and costs and to proceed *in forma pauperis*. Petitioner, who is currently serving a life sentence in state prison, was represented in the district court and on appeal to the U.S. Court of Appeals for the Ninth Circuit by appointed counsel pursuant to an order of that Court under 18 U.S.C. ' 3006A(a)(2)(B), (b), (d)(7). Undersigned counsel was the appointed counsel of record for Mr. Smith in the district court and the Ninth Circuit.

Dated: November 26, 2013

Respectfully submitted,

/s/ Mark D. Eibert

MARK D. EIBERT
Post Office Box 1126
Half Moon Bay, CA 94019-1126
Counsel of Record for Petitioner Phillip Smith