

19-7171  
No.

ORIGINAL

# Supreme Court of the United States

SAMUEL TURNER,

*Petitioner,*

vs.

UNITED STATES OF AMERICA,

*Respondent.*

Supreme Court, U.S.  
FILED

DEC 18 2019

OFFICE OF THE CLERK

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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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COMES NOW PETITIONER SAMUEL TURNER and respectfully moves this Honorable Court for leave to proceed in forma pauperis, in accordance with the provisions of Title 28, United States Code, Section 1915, and Rule 39 of the Rules of this Court.

The affidavit of Samuel Turner in support of this motion is attached hereto.

Mr. Turner sought leave to proceed in forma pauperis in the court below.

Mr. Turner was granted leave to proceed in forma pauperis in the court below.

The statute under which Mr. Turner was appointed counsel by the District of Nebraska / Court of Appeals for the Eighth Circuit was the Criminal Justice Act of 1964, 18 U. S. C. § 3006A. Therefore, in reliance upon Supreme Court Rule 39.1 and 18 U.S.C. § 3006A(d)(7), petitioner has *not* attached the affidavit which would otherwise be required.\*\*

Presented herewith is Mr. Turner's Petition for Writ of Certiorari to the Court of Appeals for the Eighth Circuit.

  
\_\_\_\_\_  
**Samuel Turner**  
**Petitioner**  
**13254-047**  
**P.O. Box 725**  
**Edgefield, SC 29824**

Date: 12-18-19

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\*\* Supreme Court Rule 39.1 provides:

A party seeking to proceed in forma pauperis shall file a motion for leave to do so, together with the party's notarized affidavit or declaration (in compliance with 28 U.S.C. § 1746) in the form prescribed by the Federal Rules of Appellate Procedure, Form 4. The motion shall state whether leave to proceed in forma pauperis was sought in any other court and, if so, whether leave was granted. *If the United States district court or the United States court of appeals has appointed counsel under the Criminal Justice Act of 1964, 18 U.S.C. § 3006A, or under any other applicable federal statute, no affidavit or declaration is required, but the motion shall cite the statute under which counsel was appointed.*" *Id.* (As Amended Jan. 27, 2003, eff. May 1, 2003.) (emphasis added)

18 U.S.C. § 3006A(d)(7) provides:

(7) Proceedings before appellate courts. If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and *without filing the affidavit required by section 1915(a) of title 28.* *Id.* (emphasis added)

General Docket  
Eighth Circuit Court of Appeals  
Court of Appeals Docket #: 18-2262  
United States v. Samuel Turner  
\* \* \* \* \*

06/13/2018 JUDGE ORDER: On the basis of the record before us, the motion to withdraw is denied. Attorney Mr. Darik J. Von Loh is hereby appointed to represent appellant under the Criminal Justice Act. A briefing schedule will issue forthwith. [4671544-2] -- Adp June 2018 [4672555] [18-2262] (DMW) [Entered: 06/13/2018 03:20 PM]