

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

THE SUPREME COURT OF THE UNITED STATES

JULIAN MOZ-AGUILAR,  
also known as Humilde,  
also known as Demente,  
also known as Tio Felito,

Petitioner

v.

UNITED STATES OF AMERICA

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

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MOTION TO PROCEED IN FORMA PAUPERIS  
PURSUANT TO RULE 39

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John C. Whipple, Esq.  
Counsel for Petitioner  
A Member of the Bar of this Court  
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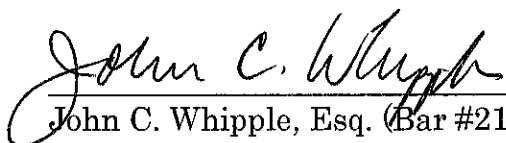
Petitioner, Julian Moz-Aguilar, by his attorney appointed pursuant to the Criminal Justice Act, John C. Whipple, Esq., a member of the Bar of this Court hereby moves pursuant to Rule 39 to proceed in forma pauperis. For the reasons set forth below, Petitioner respectfully requests that the Court permit him to proceed in that fashion.

Counsel, John C. Whipple, Esq. is a member of the law firm Whipple Azzarello, LLC, 161 Madison Avenue, Morristown, New Jersey 07960, and has been a member of the Bar of this Court since May 15, 1995. Counsel was originally appointed to represent the Petitioner by the United States District Court for the District of New Jersey pursuant to the Criminal Justice Act on September 25, 2013. The matter was litigated all the way through 2016 wherein the case proceeded to trial and thereafter sentencing.

The Petitioner was convicted by a jury and was sentenced to three (3) concurrent life terms of imprisonment plus a consecutive ten (10) year sentence pursuant to 18 U.S.C. § 924(c). Petitioner appealed his conviction to the United States Court of Appeals for the Third Circuit. Mr. Whipple was reappointed by the Third Circuit Court of Appeals on December 6, 2016 to represent the Petitioner through the Third Circuit as well as the beginning stages of proceedings in this Court. The Petitioner remains incarcerated at the United States Penitentiary at Atwater, California. The Petitioner remains indigent to this day. Counsel for Petitioner respectfully requests that the Court grant his application to proceed in forma pauperis.

Pursuant to the Rules of this Court, the Petition for Writ of Certiorari and accompanying appendix is attached to this Motion.

Respectfully submitted,

  
John C. Whipple, Esq. (Bar #211782)

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