

No. _____

IN THE
Supreme Court of the United States

JOSE OSVALDO ARTEAGA,

Petitioner,

v.

KEN CLARK, WARDEN

Respondent.

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

**MOTION FOR LEAVE TO PROCEED
*IN FORMA PAUPERIS***

This is a non-capital habeas case brought under 28 U.S.C. § 2254. The petitioner, Jose Osvaldo Arteaga, 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 costs and to proceed *in forma pauperis*. This motion is brought under Rule 39.1 of the Rules of the Supreme Court of the United States.

Arteaga is indigent. In 2015, the United States District Court for the Central District of California granted him leave to proceed *in forma pauperis* in

his federal habeas corpus proceedings. The district court then appointed the Office of the Federal Public Defender (FPD) to represent him. *See Arteaga v. Clark*, No. 08-0599 DDP (KK), docket no. 56 (C.D. Cal. Jan. 23, 2015). The district court denied Arteaga's habeas petition in 2018, and Arteaga, with the FPD as counsel, appealed to the Ninth Circuit Court of Appeals. That appeal concluded on October 28, 2019, after the Ninth Circuit denied Arteaga a certificate of appealability (COA). *See Arteaga v. Clark*, No. 18-56591, docket no. 7 (9th Cir. Oct. 28, 2019). 18 U.S.C. § 3006A(c) entitles Arteaga to representation at "every stage of the proceedings," including this one.

Respectfully submitted,

AMY M. KARLIN
Interim Federal Public Defender

Dated: February 21, 2020

By: 

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Attorneys for Petitioner
JOSE OSVALDO ARTEAGA

**Counsel of Record*