

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ROY NICHOLS, PETITIONER

v.

UNITED STATES OF AMERICA, RESPONDENT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to proceed *in forma pauperis* pursuant to Supreme Court Rule 12.2.

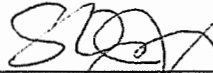
The United States Code provides that when a Criminal Justice Attorney has been appointed pursuant to 18 U.S.C. §3006A, and Petitioner “petitions for a writ of certiorari, he may do so without prepayment of fees or costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.” 18 U.S.C. §3006A(d)(7). As such, no affidavit is required to be filed in support of this Motion.

Petitioner has previously been granted leave to proceed *in forma pauperis* before the United States Court of Appeals, Sixth Circuit. Because of his poverty, the Sixth Circuit appointed the undersigned as Counsel pursuant to the Criminal Justice Act. The undersigned Criminal Justice Act attorney desires to continue representation of Petitioner in this matter, due to his appointment, and Petitioner’s

dire financial situation. However, because of his financial position, Petitioner is unable to pay the costs of this case or to give security therefor.

WHEREFORE, Petitioner, Roy Nichols, asks this Court to grant this Motion to Proceed *in forma pauperis*.

Respectfully Submitted,



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