

NO. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
OF AMERICA

DAVID SMITH-GARCIA, formerly known as David Garland Atwood, II  
Petitioner-Defendant

v.

UNITED STATES OF AMERICA  
Respondent

On Petition for Writ of Certiorari from the  
United States Court of Appeals for the Fifth Circuit.  
Fifth Circuit Case No. 18-60021

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

Pursuant to Rule 39 and 18 U.S.C. § 3006A(d)(6), Petitioner David Smith-Garcia requests leave to file the accompanying Petition for Writ of Certiorari from the United States Court of Appeals for the Fifth Circuit without prepayment of costs and to proceed in forma pauperis. Petitioner was represented by counsel appointed under the Criminal Justice Act, 18 U.S.C. § 3006A (b) and (c), in the United States District Court for the Southern District of Mississippi and on appeal to the United States Court of Appeals for the Fifth Circuit.

Date: August 31, 2020.

Respectfully submitted,

/s/ Wayne Milner

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