

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES DEE GILMORE, JR.

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO
PROCEED *IN FORMA PAUPERIS*

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DATE SENT BY UPS OVERNIGHT DELIVERY: October 14, 2020

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PETITIONER,
V.
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Petitioner, James Dee Gilmore, by and through undersigned counsel, respectfully asks this Court to grant him permission to proceed *in forma pauperis* regarding his Petition for Writ of Certiorari to the Ninth Circuit Court of Appeals filed in this Court this same date. Petitioner has insufficient assets with which to hire counsel to represent him in connection with this Petition, or to file the Petition in this Court. The undersigned counsel was appointed by this Court to represent Petitioner under the Criminal Justice Act of 1964, 18 U.S.C. § 3006(A)(d)(6), and he continues to represent Petitioner pursuant to that appointment.

For the above-stated reasons, Petitioner requests that this Court grant him leave to proceed *in forma pauperis* before this Court.

Respectfully submitted: October 14, 2020.

MICHAEL J. BRESNEHAN, P.C.

s/ Michael J. Bresnehan
Michael J. Bresnehan
Attorney for Petitioner

CERTIFICATE OF MAILING—PROOF OF SERVICE

Michael J. Bresnehan, Attorney for Petitioner, declares under penalty of perjury that the following is true and correct:

In accordance with Sup.Ct.R. 29.2, I have on this 14th day of October, 2020, caused to be delivered by UPS overnight delivery the original and ten (10) copies of the foregoing Motion for Leave to Proceed *In Forma Pauperis* and Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit to the Clerk, Supreme Court of the United States, One 1st St. NE, Washington, D.C. 20543, within the period prescribed in Sup.Ct.R. 13.1; and

In accordance with Sup.Ct.R. 29.5, I have on this 14th day of October, 2020, caused two copies of the foregoing Motion for Leave to Proceed *In Forma Pauperis* and Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit to be delivered via First Class United States Mail to the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington DC 20530-0001, and caused one copy of the foregoing Motion for Leave to Proceed *In Forma Pauperis* and Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit to be delivered via First Class United States Mail to Peter S. Kozinets, Assistant United States Attorney, Two Renaissance Square, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, and caused one copy of the foregoing Motion for Leave

to Proceed *In Forma Pauperis* and Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit to be delivered via First Class United States Mail to the Petitioner, James Dee Gilmore, Jr., Registration No. 74059-408, FCI Bastrop, Federal Correctional Institution, Post Office Box 1010, Bastrop, Texas 78602.

MICHAEL J. BRESNEHAN, P.C.

s/ Michael J. Bresnehan _____
Michael J. Bresnehan
Attorney for Petitioner