

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

**IN THE SUPREME COURT OF THE UNITED STATES**

MARK XAVIER WALLACE,

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

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

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

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*Counsel of Record for Petitioner*

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

The Petitioner, Mark Xavier Wallace, moves pursuant to Supreme Court Rule 39 for leave to proceed *in forma pauperis* and represents the following in support thereof:

1. The Petitioner seeks certiorari review of a judgment and opinion entered by the United States Court of Appeals for the Fourth Circuit on April 24, 2020 in the case of *United States v. Mark Xavier Wallace* (District Court No. 4:17cr45-2) (Fourth Circuit Record No. 18-4577), which became final on June 1, 2020 when a co-defendant's Petition for Rehearing was denied in the case of *United States v. Bryan Lamar Brown*, (District Court No. 4:17cr45-3) (Fourth Circuit Record No. 18-4540).

2. The Petitioner cannot afford the expenses associated with the present proceeding. The Petitioner has been incarcerated since May of 2017. The Petitioner is currently in the custody of the Federal Bureau of Prisons and is incarcerated at the United States Penitentiary at USP McCreary, P.O. Box 3000, Pine Knot, Kentucky 42635.

3. On September 25, 2018, Petitioner Mark Wallace was granted Criminal Justice Act (CJA) status, and undersigned counsel Andrew Michael Sacks was appointed by the United States Court of Appeals for the Fourth Circuit to

represent Mr. Wallace on appeal. *See* attached Exhibit 1 (Order appointing Andrew Sacks to proceed as counsel to the defendant under CJA).

Wherefore, the Petitioner, Mark Xavier Wallace, respectfully requests that the United States Supreme Court grant this Motion and permit him to proceed in *forma pauperis*.

Respectfully submitted,

MARK XAVIER WALLACE

By: 

Of Counsel

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# EXHIBIT 1

FILED: August 26, 2020

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

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No. 18-4577  
(4:17-cr-00045-RAJ-RJK-2)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MARK XAVIER WALLACE, a/k/a M-EZ, a/k/a Mark Xavier Grinage, II, a/k/a Mark Grinage, a/k/a Mark Xavier Lagrand, a/k/a Mark Xavier Wallace, II, a/k/a Louis Xavier Joseph, a/k/a Mark Wallace, a/k/a Mark Greenwhich

Defendant - Appellant

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### ORDER

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The court appoints Andrew Michael Sacks to represent Mark Xavier Wallace. Counsel is referred to the **CJA Payment Memorandum** and the **CJA eVoucher Page** for information on appointment terms and procedures.

CJA authorization for preparation of transcript is obtained by submitting an AUTH-24 request in the district eVoucher system. New appellate counsel must contact district eVoucher staff for appointment to the underlying district court case in order to submit the AUTH-24 request for district judge approval and the CJA 24

voucher for transcript payment. Counsel must also submit a Transcript Order Form to the court reporter and district court and file the same in the court of appeals with the docketing statement. Upon filing of the Transcript Order Form, the Fourth Circuit will set deadlines for completion of the transcript.

CJA 20 and 21 vouchers are submitted for payment through the Fourth Circuit's CJA eVoucher system. Upon receiving email notification of this appointment from eVoucher, counsel may create CJA 20 and 21 vouchers for use in maintaining time and expense records and paying for expert services.

All case filings must be made using the court's Electronic Case Filing system (CM/ECF). Counsel not yet registered for electronic filing should proceed to the court's web site to register as an ECF filer. See **Required Steps for Registration as an ECF Filer.**

For the Court--By Direction

/s/ Patricia S. Connor, Clerk