

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

**SUPREME COURT OF THE UNITED STATES**

**October Term 2020**

**TOMMY PEÑA,**

**Petitioner,**

v.

**UNITED STATES OF AMERICA,**

**Respondent.**

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

Petitioner Tommy Peña, through his attorney, Assistant Federal Public Defender Stephanie Wolf, who was appointed pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A(c), respectfully moves this Court to grant leave to continue *in forma pauperis*. In support of this motion, counsel states:

1. The Federal Public Defender Organization for the District of New Mexico is an entity organized pursuant to 18 U.S.C. §3006A(h)(2)(a).
2. Pursuant to the Criminal Justice Act, 18 U.S.C. §3006A(b) & (c), on May 12, 2016, the United States District Court for the District of New Mexico appointed the Federal Public Defender to represent Mr. Peña in connection with his Motion Pursuant to 28 U.S.C. § 2255.

3. Pursuant to 18 U.S.C. § 3006A(c), on April 8, 2019, the United States Court of Appeals for the Tenth Circuit appointed the Federal Public Defender for the District of New Mexico to represent Mr. Peña on appeal.

4. Mr. Peña has indicated he wishes that his appointed Federal Public Defender present this petition to this Court.

5. Mr. Peña has not completed his sentence imposed in this case and remains in the custody of the Bureau of Prisons. As far as counsel is aware, he continues to be indigent.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER

/s/ Stephanie L. Wolf

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