

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2020

No.

BYRON BROWN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioner, BYRON BROWN, by and through his appointed counsel, moves pursuant to Supreme Court Rule 39.1, for leave to proceed *in forma pauperis* before this Court. In support of the motion, the Petitioner states that the Petitioner has been granted *in forma pauperis* status following submission of a financial affidavit throughout the trial court and appellate court proceedings below, and has been represented , under the Criminal Justice Act of 1964 (18 U.S.C. § 3006A), by appointed counsel throughout the same proceedings. Further, Petitioner is in federal custody, and remains without sufficient funds to afford counsel or payment of costs on writ of certiorari to this Court. Attached hereto is the affidavit of Petitioner's counsel of record verifying the appointment under the Criminal Justice Act.

WHEREFORE Petitioner respectfully prays that an order be entered granting Petitioner leave to proceed *in forma pauperis*.

/s/ Gregory T. Mitchell
Gregory T. Mitchell
Counsel of Record

November 23, 2020

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AFFIDAVIT

Gregory T. Mitchell, being first duly sworn on oath, deposes and says that he is an attorney admitted to practice law before the United States Court of Appeals for the Seventh Circuit and the United States District Court for the Northern District of Illinois.

He further states that he was appointed by the Court of Appeals for the Seventh Circuit and by the Northern District of Illinois, pursuant to the Criminal Justice Act, to represent the Petitioner, Byron Brown, in the proceedings before those courts on account of Petitioner's indigent status.

Petitioner has been in continuous custody throughout the proceedings below since he was taken into federal custody on the day of his arraignment, October 21, 2013, and remains in federal custody. Petitioner is without funds to afford the costs of proceeding before this Court.

VERIFICATION

Under penalties of perjury as provided in 28 U.S.C. § 1746, I certify that the statements herein are true and correct to the best of my knowledge.

/s/ *Gregory T. Mitchell*
Gregory T. Mitchell