

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

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In the  
Supreme Court of the United States

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**Demondray D. Mayo,**

Petitioner,

v.

**Perry Russell, et al.**

Respondent.

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

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**Motion for Leave to Proceed *In Forma Pauperis***

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Petitioner Demondray Mayo respectfully asks for leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Counsel was appointed by the United States District Court for the District of Nevada under 18 U.S.C. § 3599(a)(2), *see Mayo v. State of Nevada*, No. 3:09-cv-00316-MMD-WGC, ECF No. 7 (Dist. Nev. April 22, 2010), and the United States Court of Appeals for the Ninth Circuit allowed Mayo to proceed on appeal without the prepayment of fees. *See* SUPREME COURT RULE 39.1 (authorizing leave to proceed *in forma pauperis* when counsel was appointed in lower court due to indigency). Accordingly, no affidavit is attached

Dated December 4, 2020

Respectfully submitted,

Rene L. Valladares  
Federal Public Defender

/s/Emma L. Smith  
Emma L. Smith  
Assistant Federal Public Defender