

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