

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

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IN THE

SUPREME COURT OF THE UNITED STATES

DEVON MITCHELL

*Petitioner,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

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MOTION FOR LEAVE TO  
PROCEED *IN FORMA PAUPERIS*

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DATE SENT BY UPS OVERNIGHT DELIVERY: December 10, 2020

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Petitioner, Devon Mitchell, by and through undersigned counsel, respectfully asks this Court to grant him permission to proceed *in forma pauperis* regarding his Petition for Writ of Certiorari to the Ninth Circuit Court of Appeals filed in this Court this same date. Petitioner has insufficient assets with which to hire counsel to represent him in connection with this Petition, or to file the Petition in this Court. The undersigned counsel was appointed by this Court to represent Petitioner under the Criminal Justice Act of 1964, 18 U.S.C. § 3006(A)(d)(6), and he continues to represent Petitioner pursuant to that appointment.

For the above-stated reasons, Petitioner requests that this Court grant him leave to proceed *in forma pauperis* before this Court.

Respectfully submitted: December 10, 2020.

***MICHAEL J. BRESNEHAN, P.C.***

s/ Michael J. Bresnehan  
Michael J. Bresnehan  
Attorney for Petitioner

**CERTIFICATE OF MAILING—PROOF OF SERVICE**

Michael J. Bresnahan, Attorney for Petitioner, declares under penalty of perjury that the following is true and correct:

In accordance with Sup.Ct.R. 29.2, I have on this 10th day of December, 2020, caused to be delivered by UPS overnight delivery the original and ten (10) copies of the foregoing Motion for Leave to Proceed *In Forma Pauperis* and Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit to the Clerk, Supreme Court of the United States, One 1st St. NE, Washington, D.C. 20543, within the period prescribed in Sup.Ct.R. 13.1; and

In accordance with Sup.Ct.R. 29.5, I have on this 10th day of December, 2020, caused two copies of the foregoing Motion for Leave to Proceed *In Forma Pauperis* and Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit to be delivered via First Class United States Mail to the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington DC 20530-0001, and caused one copy of the foregoing Motion for Leave to Proceed *In Forma Pauperis* and Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit to be delivered via First Class United States Mail to Karla Delord, Assistant United States Attorney, Two Renaissance Square, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, and caused one copy of the foregoing Motion for Leave

to Proceed *In Forma Pauperis* and Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit to be delivered via First Class United States Mail to the Petitioner, Devon Mitchell, Registration No. 85738-008, Federal Correctional Institution – Phoenix, 37900 North 45<sup>th</sup> Avenue, Phoenix, Arizona 85086.

***MICHAEL J. BRESNEHAN, P.C.***

s/ Michael J. Bresnehan  
Michael J. Bresnehan  
Attorney for Petitioner