

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOSE DIAZ,
Petitioner,

vs.
UNITED STATES OF AMERICA,
Respondent.

Motion for Leave to Proceed In Forma Pauperis

The petitioner, Jose Diaz, respectfully asks leave to file the accompanying Petition for Writ of Certiorari without prepayment of costs and to proceed in forma pauperis pursuant to Rule 39, Rules of the Supreme Court. The undersigned counsel represents that he was appointed to represent the petitioner pursuant to the Criminal Justice Act of 1964, 18 U.S.C. § 3006A, in the Court of Appeals, and that Mr. Diaz's attorneys in the District Court were also appointed pursuant of the Criminal Justice Act. Accordingly, pursuant to 18 U.S.C. §3006A(d)(6) and Rule

39.1, no declaration in compliance with 28 U.S.C. §1746 is required.

Respectfully submitted,

/s/

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