

NO. _____

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2020

DONOVAN MUSKETT,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner Donovan Muskett, through his attorney, who was appointed pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A(c), respectfully moves this Court to grant leave to continue to proceed in forma pauperis. In support of this motion, counsel states:

1. The Federal Public Defender Organization for the District of New Mexico is an entity organized pursuant to 18 U.S.C. §3006A(h)(2)(a).

2. Pursuant to the Criminal Justice Act, 18 U.S.C. §3006A(b) & (c), on March 1, 2013, the United States Magistrate Judge for the District of New Mexico appointed the Federal Public Defender to represent Mr. Muskett during criminal proceedings before the United States District Court of New Mexico. On May 25, 2016, the Federal Public Defender was reappointed to represent Mr. Muskett on his motion to vacate and correct his sentence pursuant to 28 U.S.C. § 2255.

3. Pursuant to 18 U.S.C. § 3006A(c), on July 27, 2017, the United States Court of Appeals for the Tenth Circuit appointed the Federal Public Defender for the District of New Mexico to represent Mr. Muskett on appeal.

4. Mr. Muskett has indicated he wishes that his appointed Federal Public Defender present this petition to this Court.

5. Mr. Muskett has completed his term of incarceration with respect to the sentence he challenges in this cause and is currently serving his term of supervised release. As far as counsel is aware, Mr. Muskett continues to be indigent.

For these reasons, Petitioner Donovan Muskett moves this Court to grant leave for him to proceed *in forma pauperis* before this Court.

A handwritten signature in blue ink, appearing to read 'Aric G. Elsenheimer', is written over a horizontal line.

Aric G. Elsenheimer
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