

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

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

**EDDY PENA,**  
*Petitioner,*

vs.

**UNITED STATES OF AMERICA,**  
*Respondent.*

---

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

---

The petitioner, Eddy Pena, 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. Pena is presently a prisoner serving the term of incarceration imposed in this case. 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/

JEREMIAH DONOVAN  
123 Elm Street--Unit 400  
P.O. Box 554  
Old Saybrook, CT 06475  
(860) 388-3750  
Juris no. 305346  
Fed.bar.no. CT 03536