

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