

No. _____

**IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2020**

**SAMUEL EARL SMITH
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent**

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
FOR FILING PETITION FOR WRIT OF CERTIORARI**

Petitioner Samuel Earl Smith asks leave to proceed in this Court in forma pauperis, pursuant to Rule 39 of the Rules of this Court. Petitioner has proceeded *in forma pauperis* in both the United States District Court and the Fifth Circuit Court of Appeals. The undersigned counsel has been appointed for Petitioner under the Criminal Justice Act of 1964 as counsel in the Fifth Circuit Court of Appeals.

Petitioner's Petition for Writ of Certiorari is being filed contemporaneously with this Motion.

Respectfully submitted,

LAW OFFICE OF STAN SCHWIEGER

/s/ Stan Schwieger

Stan Schwieger
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Waco, Texas 76701
(254) 752-5678
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State Bar No. 17880500
ATTORNEY FOR PETITIONER

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PROOF OF SERVICE

I, Stanley L. Schwieger, do swear or declare that on May 25, 2021 as required by Supreme Court Rule 29, I have served the enclosed Motion for Leave to Proceed in Forma Pauperis and Petition for a Writ of Certiorari on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within three calendar days.

One copy of the Petition for Writ of Certiorari and one copy of the Motion to Proceed in Forma Pauperis in the above-entitled case were mailed, first-class postage prepaid to Mr. Joseph H. Gay, Jr., Assistant United States Attorney, Suite 600, 601 N. W. Loop 410, San Antonio, Texas 78216 and to the Honorable Solicitor General of the United States, Department of Justice, Washington, D.C. 20530. An electronic version is also being transmitted to all parties at the time of filing or reasonably contemporaneous with the same.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 25, 2021.

/s/ Stan Schwieger

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