

NO. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

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DONNIE JOE PHILLIPS, Petitioner,

VS.

UNITED STATES OF AMERICA, Respondent.

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ON PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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MOTION FOR LEAVE TO PROCEED  
*IN FORMA PAUPERIS*

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ALEXIS HALLER  
*Counsel of Record*  
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Counsel of Record for Petitioner,  
DONNIE JOE PHILLIPS

TO THE HONORABLE CHIEF JUSTICE OF THE SUPREME COURT OF THE  
UNITED STATES AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE  
COURT:

Pursuant to 18 U.S.C. section 3006A(d)(7) and Rule 39 of the Rules of the Supreme Court of the United States, Petitioner Donnie Joe Phillips (“Petitioner”) respectfully requests leave to file a petition for writ of certiorari without pre-payment of fees or costs and to proceed *in forma pauperis*. In making this application, Petitioner submits that he has been represented by appointed counsel in both the United States District Court for the Eastern District of California and the United States Court of Appeals for the Ninth Circuit. The attached declaration of appellate counsel is provided in support of this application.

Dated: June 7, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ALEXIS HALLER', written over a horizontal line.

ALEXIS HALLER  
Attorney for Petitioner,  
Donnie Joe Phillips

## **DECLARATION OF ALEXIS HALLER**

I am an attorney licensed to practice in California and in the District of Columbia. I am a member of the bar of this Court. I am the attorney of record for Petitioner Donnie Joe Phillips.

I have personal knowledge of the facts contained in this declaration and, if called as a witness, I could and would testify competently thereto.

On July 11, 2018, I was appointed by the United States District Court for the Eastern District of California to represent Petitioner on appeal pursuant to the Criminal Justice Act of 1964. Pursuant to that appointment, I filed the Notice of Appeal in the District Court and pleadings on Petitioner's behalf in the United States Court of Appeals for the Ninth Circuit. I have remained Petitioner's counsel of record to this time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 7th day of June, 2021, at Aptos, California.



ALEXIS HALLER