

No.

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In The  
SUPREME COURT OF THE UNITED STATES  
October Term, 2021

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TYRONE SIMMONS,

*Petitioner,*

-v-

THE UNITED STATES OF AMERICA,

*Respondent.*

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

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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

Petitioner Tyrone Simmons seeks permission to proceed  
*in forma pauperis* and to file the attached Petition for  
Writ of Certiorari to the United States Court of Appeals  
for the Second Circuit without prepayment of costs.

Petitioner was permitted to proceed as a poor person in the United States Court of Appeals for the Second Circuit. I represented Mr. Simmons *pro bono* in the District Court. I am a member of the Criminal Justice Act panels for both the United States District Court for the Southern District of New York and the United States Court of Appeals for the Second Circuit. I was assigned as counsel on appeal by the Second Circuit pursuant to the Criminal Justice Act Plan. Because Petitioner's financial circumstances have not changed since that time,<sup>1</sup> I request that he be permitted to pursue his Petition for Writ of Certiorari *in forma pauperis* and that I be assigned to represent Petitioner in this Court for that purpose.

Dated: New York, New York  
August 30, 2021

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
STEPHANIE M. CARVLIN  
Counsel of Record For  
Petitioner Tyrone Simmons  
140 Broadway, Suite 4610  
New York, NY 10005  
212-748-1636

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<sup>1</sup>Petitioner was incarcerated throughout the pendency of his case, including appeal, and he remains incarcerated now.

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