

No.

IN THE SUPREME COURT OF THE UNITED STATES

CORY WAYNE KILGORE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

**Julia L. O'Connell
Federal Public Defender**

**Barry L. Derryberry
(Counsel of Record)
Assistant Federal Public Defender
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**Office of Federal Public Defender
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Counsel for Petitioner**

October 15, 2021

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Cory Wayne Kilgore, an indigent party in this case, moves for leave to proceed in forma pauperis for the purpose of filing a Petition for Writ of Certiorari.

Petitioner's financial indigency was recognized by the United States Court of Appeals for the Tenth Circuit, which on June 26, 2020, appointed the Office of Federal Public Defender identified below to represent Petitioner pursuant to the Criminal Justice Act (18 U.S.C. §3006A). See also Fed. R. Crim. P. 44(a) (providing right to appointment of counsel on appeal for defendants unable to obtain counsel). A copy of the appointment order is attached to this Motion. The Petitioner has since been continuously represented by his appointed counsel.

Petitioner requests that this Court grant leave to proceed in forma pauperis pursuant to Supreme Court Rule 39.1, and permit Petitioner to submit his Petition for Writ of Certiorari without prepayment of filing fees and costs.

Respectfully submitted,

s/Barry L. Derryberry

Barry L. Derryberry

Okla. Bar Assn. No. 13099

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Counsel for Petitioner

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 26, 2020

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CORY WAYNE KILGORE,

Defendant - Appellant.

No. 20-5059
(D.C. No. 4:20-CR-00015-GKF-1)
(N.D. Okla.)

ORDER

Before **TYMKOVICH**, Chief Circuit Judge.

This matter is before the Court on Appellant's Motion to Continue Appointment. Upon consideration, the motion is granted. Pursuant to 18 U.S.C. §3006A, the Federal Public Defender for the Northern and Eastern Districts of Oklahoma is appointed as counsel of record to represent the appellant Cory Wayne Kilgore. This appointment is effective *nunc pro tunc* to the date the notice of appeal was filed in this matter.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk