

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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JASON A. TOBEY,  
Petitioner,  
v.  
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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Attorneys for Petitioner  
JASON A. TOBEY

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Petitioner Jason A. Tobey, by an through his appointed counsel, asks for leave to file the attached Petition for Writ of *Certiorari* to the United States Court of Appeals for the Ninth Circuit without prepayment of costs and to proceed *in forma pauperis*. The United States District Court for the Eastern District of California granted Mr. Tobey *in forma pauperis* status. The Office of the Federal Defender for the Eastern District of California was appointed by the United States District Court for the Eastern District of California to represent Mr. Tobey under the Criminal Justice Act, 18 U.S.C. § 3006A.

This motion is brought under Rule 39.1 of the Rules of the Supreme Court of the United States.

Dated: October 26, 2021

Respectfully submitted,

HEATHER E. WILLIAMS  
Federal Defender

*s/ Carolyn M. Wiggin*  
CAROLYN M. WIGGIN  
Assistant Federal Defender

Attorneys for Petitioner  
JASON A. TOBEY