

Case No: _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2021

JULIO HERNENDEZ-PACHECO,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for a Writ of Certiorari
to the Court of Appeals for the Eleventh Circuit

MOTION TO PROCEED IN FORMA PAUPERIS

Christine A. Freeman, Executive Director
Mackenzie S. Lund*
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**Counsel of Record*

November 1, 2021

Petitioner, Julio Hernandez-Pacheco, asks leave to file his Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. Mr. Hernandez-Pacheco has been represented by the Federal Defenders for the Middle District of Alabama by appointment. The order appointing the Federal Defenders to represent Mr. Hernandez-Pacheco was entered on August 30, 2019. A copy of the docket sheet, which reflects entry of the oral appointment order, is attached to this motion.

Respectfully submitted,

/s/ Mackenzie S. Lund

Mackenzie S. Lund
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Counsel of Record for Petitioner

Executed on November 1, 2021

U.S. District Court
Alabama Middle District (Opelika)
CRIMINAL DOCKET FOR CASE #: 3:19-cr-00346-ALB-SRW-1

Case title: USA v. Hernandez-Pacheco (Interpreter)

Date Filed: 09/12/2019

Magistrate judge case number: 3:19-mj-00285-WC

Date Terminated: 04/17/2020

Assigned to: Honorable Judge Andrew L.
Brasher

Referred to: Honorable Judge Susan Russ
Walker

Appeals court case number: 20-11666-A

Defendant (1)

Julio Cesar Hernandez-Pacheco

TERMINATED: 04/17/2020

represented by **Federal Defender**
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Pending Counts

8:1326(a) ILLEGAL REENTRY OF
DEPORTED ALIENS
(1)

Disposition

Time served (229 days); \$100 SA

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

8:1326(b)(1): REENTRY OF DEPORTED
ALIEN FELONY

Disposition

Plaintiff

USA

represented by **Eric M Counts**
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Date Filed	#	Docket Text
08/29/2019	1	COMPLAINT as to Julio Cesar Hernandez-Pacheco (1). (kcf,) [3:19-mj-00285-WC] (Entered: 08/29/2019)
08/30/2019		Case unsealed as to Julio Cesar Hernandez-Pacheco pursuant to notice of arrest from USMS. (dh) [3:19-mj-00285-WC] (Entered: 08/30/2019)
08/30/2019	5	CJA 23 Financial Affidavit by Julio Cesar Hernandez-Pacheco. (dh) [3:19-mj-00285-WC] (Entered: 08/30/2019)
08/30/2019		ORAL MOTION to Appoint Counsel by Julio Cesar Hernandez-Pacheco. (dh) [3:19-mj-00285-WC] (Entered: 08/30/2019)
08/30/2019		ORAL ORDER GRANTING oral motion to appoint counsel; APPOINTING FEDERAL PUBLIC DEFENDER as to Julio Cesar Hernandez-Pacheco. Entered by Honorable Judge Wallace Capel, Jr. on 8/30/19. (dh) [3:19-mj-00285-WC] (Entered: 08/30/2019)
08/30/2019	6	Minute Entry for proceedings held before Honorable Judge Wallace Capel, Jr:Initial Appearance as to Julio Cesar Hernandez-Pacheco held on 8/30/2019 (PDF available for court use only) (Recording Time 1:30-1:38.) (dh) [3:19-mj-00285-WC] (Entered: 08/30/2019)
08/30/2019	7	TEXT ORDER as to Julio Cesar Hernandez-Pacheco. For good cause, it is ORDERED that a probable cause hearing is set for 9/6/19 10:00 AM, Courtroom 5A, United States Courthouse, One Church Street, Montgomery, Alabama. If Defendant is in custody, the United States Marshal shall produce Defendant for this proceeding. The Clerk of Court shall provide a court reporter for this proceeding if one is available. Entered by Honorable Judge Wallace Capel, Jr. on 8/30/19. (dh) [3:19-mj-00285-WC] (Entered: 08/30/2019)
08/30/2019		ORAL ORDER as to Julio Cesar Hernandez-Pacheco. Defendant to remain in Marshals custody pending further proceedings. Entered by Honorable Judge Wallace Capel, Jr. on 8/30/19. (dh) [3:19-mj-00285-WC] (Entered: 08/30/2019)
08/30/2019	8	Detainer Lodged as to Julio Cesar Hernandez-Pacheco (kcf,) [3:19-mj-00285-WC] (Entered: 09/03/2019)