

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

**SUPREME COURT OF THE UNITED STATES**

**October Term 2021**

**ROMAN ENRIQUE DELGADO-MONTOYA,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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

Petitioner **ROMAN ENRIQUE DELGADO-MONTOYA**, through his attorney, Assistant Federal Public Defender Daniel Rubin, who was appointed pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A(c), respectfully moves this Court to grant leave to continue in forma pauperis and to file this petition without prepayment of filing fees and costs. In support of this motion, counsel states:

1. The Federal Public Defender Organization for the District of New Mexico is an entity organized pursuant to 18 U.S.C. §3006A(h)(2)(a).
2. Pursuant to the Criminal Justice Act, 18 U.S.C. §3006A(b) & (c), on June 8, 2020, the United States Magistrate Judge for the District of New Mexico appointed the Federal Public Defender to represent Mr. Delgado-Montoya in

connection with his motion to reduce sentence pursuant to 18 U.S.C. § 3582(c) before the court.

3. Pursuant to 18 U.S.C. § 3006A(c), on September 9, 2020, the United States Court of Appeals for the Tenth Circuit appointed the Federal Public Defender for the District of New Mexico to represent Mr. Delgado-Montoya on appeal.

4. Mr. Delgado-Montoya has indicated he wishes that his appointed Federal Public Defender present this petition to this Court.

5. Mr. Delgado-Montoya is in custody. As far as counsel is aware, he continues to be indigent.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER  
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*/s/ Daniel N. Rubin*  
Daniel N. Rubin