

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

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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2021

--ooOoo--

**DAVID JOHN TELLES, Petitioner**

vs.

**UNITED STATES OF AMERICA, Respondent**

--ooOoo--

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

--ooOoo--

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

--ooOoo--

ELIZABETH GARFINKLE  
California Bar # 228536  
Supreme Court Bar Member, since October 12, 2010  
Law Office of Elizabeth Garfinkle  
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Counsel of Record for Petitioner,  
David John Telles

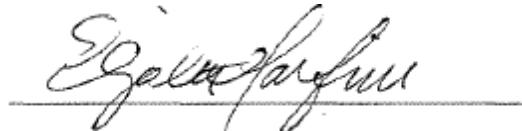
**TO THE HONORABLE CHIEF JUSTICE OF THE SUPREME COURT OF  
THE UNITED STATES AND TO THE HONORABLE ASSOCIATE JUSTICES  
OF THE COURT:**

Pursuant to Rule 39 of the Rules of the Supreme Court of the United States, Petitioner David John Telles respectfully requests leave to file a petition for writ of certiorari *in forma pauperis*. Petitioner sought leave to file *in forma pauperis* in the federal courts and it was granted. Petitioner was represented by appointed counsel at all times, and he has been represented by the undersigned appointed counsel in the Ninth Circuit Court of Appeals, under the Criminal Justice Act. 18 U.S.C. § 3006A(d)(7).

Copies of the notice and order of appointment are attached to this motion.

Dated: February 7, 2022

Respectfully submitted,



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Counsel of Record for Petitioner,  
David John Telles

**APPENDIX A**  
Notice and Order Appointing Counsel

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA ) U.S.C.A. No.: 19-10218  
Appellee, ) U.S.D.C. No.: CR-16-00424-JSW  
vs ) ORDER RE: CJA APPOINTMENT  
DAVID JOHN TELLES, JR. ) OF AND AUTHORITY TO PAY  
Appellant. ) COURT APPOINTED COUNSEL  
ON APPEAL

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The individual named above as appellant, having testified under oath or having otherwise satisfied this court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and, because the interests of justice so require, the Court finds that the appellant is indigent, therefore;

IT IS ORDERED that the attorney whose name and contact information are listed below is appointed to represent the above appellant.

Elizabeth Garfinkle  
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Oakland, CA 94611  
(510) 501-0542  
lizgarfinkle@gmail.com

  
\_\_\_\_\_  
Appointing Judge: Hon. Judge White

July 8, 2019

\_\_\_\_\_  
Date of Order

July 3, 2019

\_\_\_\_\_  
Nunc Pro Tunc Date