

No. _____

In the Supreme Court of the United States

JESUS ANTONIO MONTOYA-BALDERRAMA, *PETITIONER*,

V.

UNITED STATES OF AMERICA, *RESPONDENT*.

**PETITION FOR WRIT OF CERTIORARI
TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

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

Petitioner Jesus Antonio Montoya-Balderrama, by and through his undersigned attorney, respectfully moves this Honorable Court for leave to proceed *in forma pauperis* and for leave to file the attached Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit without prepayment of fees. *See* Sup. Ct. R. 39.1; 18 U.S.C. § 3006A(d)(7). Petitioner was represented by appointed counsel under the Criminal Justice Act of 1964, as amended, in the district court and the court of appeals. Leave to proceed *in forma pauperis* was never sought in any other court.

Respectfully submitted.

s/ Dale F. Ogden
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