

IN THE SUPREME COURT OF THE UNITED STATES

Kevin Johnson,)	
)	
Petitioner,)	
)	
vs.)	No. _____
)	
State of Missouri,)	This is a capital case
)	
Respondent.)	

PETITIONER’S MOTION TO PROCEED *IN FORMA PAUPERIS*

Petitioner Kevin Johnson respectfully moves this Court for leave to file the accompanying petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner states as follows in support of this motion:

1. Petitioner is an indigent death-sentenced prisoner incarcerated in Missouri, and he is entirely without funds with which pay the costs and fees associated with his petition for writ of certiorari.

2. Petitioner was previously granted leave to proceed *in forma pauperis* in the Missouri Supreme Court, the Circuit Court of St. Louis County, the United States District Court for the Eastern District of Missouri, and the United States Court of Appeals for the Eighth Circuit.

3. Petitioner was appointed counsel in the underlying direct appeal before the Missouri Supreme Court, as to which petitioner below moved for recall of the mandate and petitioned for a writ of habeas corpus. Counsel was appointed for petitioner on direct appeal pursuant to Mo. Sup. Ct. R. 31.02(c). The United States District Court for the Eastern District of Missouri thereafter appointed counsel for

petitioner in order to pursue federal habeas corpus remedies, pursuant to 18 U.S.C. § 3599(a)(2). Federally-appointed counsel represented petitioner on his motion to recall the mandate and petition for writ of habeas corpus, the filing of which culminated in the Missouri Supreme Court's final judgment of August 30, 2022.

WHEREFORE, for all the foregoing reasons, petitioner respectfully requests leave to file his petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Joseph W. Luby
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