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No.

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IN THE  
SUPREME COURT OF THE UNITED STATES

HERBERT GREEN,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

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

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MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS

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LAINE CARDARLLA  
Federal Public Defender  
Western District of Missouri

REBECCA KURZ  
Assistant Federal Public Defender  
1000 Walnut, Suite 600  
Kansas City, Missouri 64106  
(816) 471-8282  
Attorney for Petitioner

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COMES NOW Petitioner, Herbert Green, by his attorney, Rebecca Kurz, Assistant Federal Public Defender, Western District of Missouri, and moves this Court, pursuant to 28 U.S.C. §1915, 18 U.S.C. § 3006A(d)(6) and Sup. Ct. R. 39.1 and .2, for leave to file a petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit without prepayment of docket or other fees, and to proceed In Forma Pauperis. The petition accompanies this motion.

United States Magistrate Judge Matt Whitworth appointed the Federal Public Defender Office to represent Mr. Green pursuant to the Criminal Justice Act on August 31, 2017. Mr. Green was indicted in the United States District Court, Western District of Missouri, on September 12, 2017, for possession with intent to distribute controlled substance, possession of a firearm in furtherance of drug trafficking crime and possession of a firearm. Following Mr. Green's guilty plea, he appealed his sentence of 60 months of imprisonment. On appeal the Federal Defender

continued to represent Mr. Green without payment of fees or costs or security and without filing the affidavit required by 28 U.S.C. § 1915(a), all pursuant to 18 U.S.C. § 3006A(d)(6).

Because both the United States District Court for the Western District of Missouri and the United States Court of Appeals for the Eighth Circuit permitted Mr. Green to proceed In Forma Pauperis and appointed counsel for him, no affidavit in support of this Motion to Proceed In Forma Pauperis in this Court is required. 18 U.S.C. § 3006A(d)(6) and Sup. Ct. R. 39.1.

s/Rebecca Kurz  
REBECCA KURZ  
Assistant Federal Public Defender  
1000 Walnut, Suite 600  
Kansas City, Missouri 64106  
(816) 471-8282  
Attorney for Petitioner