

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

RICK BENAVIDES, PETITIONER

v.

UNITED STATES OF AMERICA

ON 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 Rick Benavides, by and through his undersigned attorney, and in accordance with Supreme Court Rule 39.1 and Title 18, Section 3006A(d)(7), of the United States Code 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. Petitioner was represented by appointed counsel under the Criminal Justice Act of 1964, as amended, in the court of appeals and in the district court. Leave to proceed *in forma pauperis* was never sought in any other court.

Respectfully submitted,

PHILIP J. LYNCH

Counsel of Record for Petitioner

DATED: January 17, 2023.