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IN THE
SUPREME COURT OF THE UNITED STATES

LUIS EPINOZA,
Petitioner,

v.

TAMMY FOSS,
Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals
For the Ninth Circuit

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

SIXTH DISTRICT APPELLATE PROGRAM
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Counsel for Petitioner

Petitioner Luis Espinoza is in custody and asks for leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner previously has been found indigent was permitted to proceed *in forma pauperis* in the district court and Court of Appeals. The filing of this petition is a continuation of the representation of petitioner by appointment under the Criminal Justice Act, 18 U.S.C. § 3006A. Attached is an order from the Court of Appeals appointing counsel.

WHEREFORE, Petitioner Luis Espinoza prays for leave to proceed *in forma pauperis*.

DATED: February 16, 2023

Respectfully submitted,
SIXTH DISTRICT APPELLATE PROGRAM

By: /s/ Jonathan Grossman
Jonathan Grossman
Attorney for Petitioner
Luis Espinoza

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

APR 15 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LUIS ESPINOZA,

No. 22-15373

Petitioner-Appellant,

D.C. No. 3:19-cv-04693-VC
Northern District of California,
San Francisco

v.

TAMMY FOSS, Warden,

ORDER

Respondent-Appellee.

Before: Lisa B. Fitzgerald, Appellate Commissioner.

The motion (Docket Entry No. 2) of appellant's counsel Jonathan Grossman, Esq., of the Sixth District Appellate Program, Inc., to be appointed as counsel on appeal is granted. Counsel Grossman is appointed *nunc pro tunc*, March 10, 2022.

The existing briefing schedule remains in effect.