

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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PHILIP M. CLOSE,  
*Petitioner*

v.

UNITED STATES OF AMERICA,  
*Respondent*

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AFFIRMATION – PROOF OF SERVICE

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JAY S. OVSIOVITCH, an attorney admitted in the State of New York, and admitted to practice in the Western District of New York, and the United States Court of Appeals for the Second Circuit affirms and says:

That I have been continued as court-appointed counsel for Philip Close under the Criminal Just Act of 1964, 18 U.S.C. § 3006A;

That on February 21, 2023, the original and ten copies of a Motion for Leave to Proceed *In Forma Pauperis*, and the original and ten copies of a Petition for a Writ of Certiorari in the above-entitled case were entrusted to Federal Express located in Rochester, New York, for delivery to the Clerk of the Supreme Court of the United States, 1 First Street, N.E., Washington, D.C. 20543, within the time allowed for filing said Petition for Writ of Certiorari, and in accordance with this Court's order of March 19, 2020;

That a copy of said Motion for Leave to Proceed *In Forma Pauperis* and Petition for Writ of Certiorari and the affirmation of the Proof Mailing of the Petition were served on counsel for respondent by depositing said envelope in the United States Post Office mailbox located in Rochester, New York, with first class postage prepaid properly addressed to:

The Honorable Elizabeth B. Prelogar  
Solicitor General of the United States  
950 Pennsylvania Ave., NW  
Washington, D.C. 20530-0001

Tiffany H. Lee  
Assistant United States Attorney  
100 State Street, Ste. 500  
Rochester, New York 14614

A .pdf copy of the Motion for Leave to Proceed *In Forma Pauperis*  
and Petition for Writ of Certiorari and the affirmation of the Proof  
Mailing of the Petition were electronically filed with the Court through  
the Supreme Court's Electronic Filing System.

Dated: Rochester, New York  
February 21, 2023

/s/Jay Ovsiovitch  
Jay S. Ovsiovitch  
Federal Public Defender's Office  
Western District of New York  
28 East Main Street, Suite 400  
Rochester, New York 14614