

****THIS IS A CAPITAL CASE****

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

MICHAEL TISIUS, Petitioner,

v.

DAVID VANDERGRIFF,
Warden, Potosi Correctional Center, Respondent.

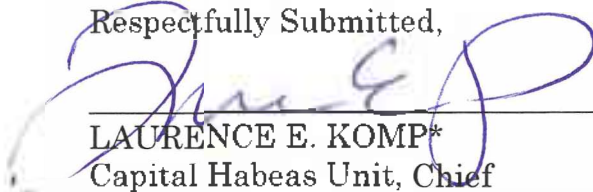
On Petition for Writ of Certiorari
to the U.S. Court of Appeals, Eighth Circuit

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Michael Tisius, through undersigned counsel, seeks leave to file the attached Petition for an Original Writ of Certiorari without prepayment of fees and costs and to proceed *in forma pauperis* pursuant to Rule 39 of the Rules of this Court.

Tisius has been declared indigent in all previous state and federal proceedings. Pursuant to current 18 U.S.C. § 3599, the district court and the Eighth Circuit appointed undersigned counsel to represent Petitioner. Pursuant to Sup. Ct. R. 39(1), Petitioner therefore moves to proceed with the filing of his Petition for Writ of Certiorari *in forma pauperis*.

Respectfully Submitted,



LAURENCE E. KOMP*

Capital Habeas Unit, Chief
Federal Public Defender
Western District of Missouri
1000 Walnut St., Ste. 600
Kansas City, MO 64106
(816) 471-8282
laurence_komp@fd.org

ELIZABETH UNGER CARLYLE

Carlyle Parish LLC
6320 Brookside Plaza, #516
Kansas City, MO 64113
Mo. Bar No. 41930
(816) 525-6540
elizabeth@carlyleparishlaw.com

KEITH O'CONNOR

Keith O'Connor, LLC
PO Box 22728
Kansas City, MO 64113
Mo Bar No. 63134
Phone: 816-225-7771
Keith@keithoc.com

COUNSEL FOR PETITIONER

*Counsel of Record, Member of the Bar of the Supreme Court