

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

**EXECUTION SET FOR
August 1, 2023 @ 6:00 PM CENTRAL**

No. 23-_____

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

JOHNNY JOHNSON, Petitioner,

v.

DAVID VANDERGRIFF,
Warden, Potosi Correctional Center, Respondent.

On Petition for Writ of Certiorari
to the Eighth Circuit Court of Appeals

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner Johnny A. Johnson, through undersigned counsel, seeks leave to file his Petition for 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.

Mr. Johnson 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*. Petitioner therefore moves to proceed with this filing of his Petition for Writ of Certiorari *in forma pauperis*.

Respectfully submitted,



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