

No. _____

In the Supreme Court of the United States

HERMENEGILDO GARCIA-GUTIERREZ, *PETITIONER*,

v.

UNITED STATES OF AMERICA, *RESPONDENT*

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 Hermenegildo Garcia-Gutierrez, by and through his undersigned attorney, and pursuant to Rule 39.1, Supreme Court Rules, and Title 18, United States Code, § 3006A(d)(7), respectfully 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 district court and the court of appeals. Leave to proceed *in forma pauperis* was never sought in any other court.

Respectfully submitted.

s/ Kristin L. Davidson

KRISTIN L. DAVIDSON

Assistant Federal Public Defender

Western District of Texas

300 Convent St., Ste. 2300

San Antonio, Texas 78205

(210) 472-6700

(210) 472-4454 (Fax)

Kristin_Davidson@fd.org

Counsel of Record for Petitioner

DATED: August 23, 2023