

IN THE  
Supreme Court of the United States

---

FRANKLIN PAUL ELLER, JR.,  
*Petitioner,*

vs.

UNITED STATES OF AMERICA,  
*Respondent.*

---

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

---

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

---

Pursuant to Rule 39.1, Petitioner Franklin Paul Eller, Jr., requests leave to file the attached petition for a writ of certiorari *in forma pauperis*. On March 9, 2021, the United States Court of Appeals for the Ninth Circuit appointed undersigned counsel to represent Mr. Eller under 18 U.S.C. § 3006A(a)(2)(B). Under 9th Cir. R. 4-1(e), that appointment extends to preparing and filing the petition for certiorari.

MICHAEL L. BURKE  
*Counsel of Record*  
ASSISTANT FEDERAL PUBLIC DEFENDER  
850 West Adams Street, Suite 201  
Phoenix, Arizona 85007  
(602) 382-2700 voice  
michael\_burke@fd.org