

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

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OCTOBER TERM, 2023  
In the  
**Supreme Court of the United States**

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DAVID STEPHEN MIDDLETON,

Petitioner,

v.

WILLIAM GITTERE, WARDEN,  
AARON FORD, ATTORNEY GENERAL, STATE OF NEVADA,

Respondents.

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*On Petition for Writ of Certiorari to the  
Supreme Court of the State of Nevada*

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

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**CAPITAL CASE**

RENE VALLADARES  
Federal Public Defender, District of Nevada  
DAVID ANTHONY\*  
Assistant Federal Public Defenders  
David\_Athony@fd.org  
411 E. Bonneville Ave., Ste. 250  
Las Vegas, NV 89101  
(702) 388-6577  
(702) 388-5819 (fax)

\*Counsel of Record for Petitioner

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Pursuant to Supreme Court Rule 39.1, Petitioner David Stephen Middleton requests leave to file the attached Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*. Middleton has been granted leave to do so in the following state and federal courts: United States District Court, District of Nevada, for federal habeas corpus proceedings, November 2, 2009, Case No. 3:09-cv-00638-KJD-WGC; Second Judicial District Court, Reno, Nevada for trial and prior post-conviction proceedings in state court. In the instant state habeas proceeding, Mr. Middleton did not request leave to proceed *in forma pauperis* given the state court's prior finding that IFP status was unnecessary because there were no filing fees to pay. Mr. Middleton has accordingly included the required information to proceed *in forma pauperis* on the form provided by this Court, which is attached to this motion as Exhibit 1.

Dated this 14th day of September 2023.

Respectfully submitted,

David Anthony  
David Anthony  
*Counsel of Record*  
Assistant Federal Public Defender  
411 E. Bonneville Ave., Ste. 250  
Las Vegas, Nevada 89101  
(702) 388-6577  
David\_AAnthony@fd.org

Counsel for Petitioner