

No. _____

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

DAVID STEPHEN MIDDLETON,

Petitioner,

v.

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

Respondents.

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

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPREIS*

CAPITAL CASE

RENE VALLADARES
Federal Public Defender, District of Nevada
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*Counsel of Record for Petitioner

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

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