

No. _____

In the Supreme Court of the United States

JAVIER MARTINEZ, PETITIONER,

v.

LOWELL CLARK, WARDEN, NORTHWEST ICE
PROCESSING CENTER; NATHALIE ASHER, FIELD
OFFICE DIRECTOR, U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; ALEJANDRO MAYORKAS,
SECRETARY, DEPARTMENT OF HOMELAND
SECURITY; MERRICK B. GARLAND, U.S. ATTORNEY
GENERAL, RESPONDENTS.

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

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

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Counsel for Petitioner Javier Martinez

Motion for Leave to Proceed In Forma Pauperis of Javier Martinez

Introduction

Comes now Javier Martinez, by and through counsel, and moves for leave to proceed *in forma pauperis* pursuant to Rule 39 of the Rules of the Supreme Court of the United States. In support of this motion, he states as follows:

1. Mr. Martinez is a native of Costa Rica and a citizen of Nicaragua who lawfully entered the United States in 1987, when he was seven years old. As part of stipulated terms of a plea agreement, Mr. Martinez served a 60-month sentence of incarceration beginning November 11, 2013.

2. Upon the completion of his criminal sentence on April 28, 2018, Mr. Martinez was immediately transferred to the custody of U.S. Immigration and Customs Enforcement (ICE). He has remained in ICE custody since 2018.

3. As Mr. Martinez has been incarcerated for almost all of the past 10 years, he is completely indigent.

4. Mr. Martinez is currently represented by Robert Pauw of Gibbs Houston Pauw and the Northwest Immigrant Rights Project, a 501(c)(3) non-profit organization, on a pro bono basis. He was previously granted leave to proceed *in forma pauperis* in the Ninth Circuit Court of Appeals, Case No. 21-35023.

5. Mr. Martinez possesses no savings and no assets. His financial situation is described in the attached declaration.

Wherefore, Mr. Martinez moves that he be granted leave to proceed *in forma pauperis*.

Respectfully submitted:

s/Robert Pauw
Robert Pauw

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