

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID DAVALOS, SR.,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner has previously been granted leave to proceed *in forma pauperis* in the U.S. District Court for the Western District of Texas and in the U.S. Court of Appeals for the Fifth Circuit. Petitioner's affidavit or declaration is not attached because the district court appointed counsel in the current proceeding, and a copy of the order of appointment is appended.

Respectfully submitted,

/s/ Nelson S. Ebaugh

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October 6, 2023

