

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

Nelson S. Ebaugh

NELSON S. EBAUGH P.C.

3730 Kirby Drive, Suite 1200

Houston, Texas 77098

(713) 752-0700

Counsel for Petitioner

October 6, 2023

FILED

SEP 27 2018

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY *CC*
DEPUTY

UNITED STATES OF AMERICA,

vs

DAVID DAVALOS,

Defendant

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Case Number: 2:16-AP-01115-11-
AM

ORDER APPOINTING COUNSEL

The above named Defendant has testified under oath, or has otherwise satisfied this court, that he/she is financially unable to obtain counsel and does not wish to waive representation by counsel.

Therefore, in the interest of justice, Nelson Starbranch Ebaugh , is hereby appointed to represent the defendant in the above-styled and numbered cause.

This appointment shall remain in effect until further order of this court.
It is so **ORDERED** this 27th day of September, 2018.



Collis White
U.S. Magistrate Judge