

No. _____

IN THE
Supreme Court of the United States

JOSE MIGUEL MONTEMAYOR,

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

November 7, 2023

ENTERED

March 11, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA

§

VS.

§

CRIMINAL ACTION NO. 7:17-CR-00588-7

JOSE MIGUEL MONTEMAYOR

§

ORDER

Now before the Court is the “Motion to Withdraw as Attorney of Record” and “Motion for Leave to Proceed *In Forma Pauperis*.¹ The Court, after duly considering said motions, hereby **GRANTS** the motions. Mr. Carlos Monarrez is hereby permitted to *withdraw* as attorney of record for this Defendant.

It is further ORDERED that Jose Miguel Montemayor is GRANTED leave to appeal in *Forma Pauperis* and Nelson S. Ebaugh, 3730 Kirby Drive, Suite 1200, Houston, Texas 77098: Telephone Number (713) 752-0700, is hereby appointed to represent Defendant on said appeal.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 11th day of March, 2021.



Micaela Alvarez
United States District Judge

¹ Dkt. Nos. 982 & 983.