

No.

IN THE SUPREME COURT OF THE UNITED STATES

HOWARD NELSON BARTEE, III, PETITIONER

v.

STATE OF FLORIDA, RESPONDENT.

*ON PETITION FOR A WRIT OF CERTIORARI TO
THE FOURTH DISTRICT COURT OF APPEAL OF FLORIDA*

PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS

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COMES NOW the Petitioner, Howard Nelson Bartee, III, and moves this Court, pursuant to Rule 39.1, Rules of the Supreme Court, to declare him indigent and allow him to proceed in forma pauperis in this cause, in particular to waive any filing fees. As grounds therefore, Petitioner says:

1. Petitioner applies for a writ of certiorari to review the decision of the Fourth District Court of Appeal of Florida affirming his conviction and sentence.

2. Petitioner was declared indigent in the state court proceedings on October 5, 2018.

3. Petitioner has been incarcerated in state prison since July 2022 and has been indigent for all court proceedings since that time.

4. Petitioner is now indigent and without funds to pay any fees or costs in this action. The state court below appointed the office of undersigned counsel for Petitioner as an indigent party pursuant to section 27.51, Florida Statutes.

5. Federal law requires all courts of the United States to allow commencement and prosecution of any suit without

prepayment of fees or costs upon the showing made above. 28 U.S.C. §1915(a).

6. Refusal to allow Petitioner to proceed in forma pauperis would deny him equal protection of the law, meaningful access to the courts, and due process of law since he cannot otherwise get the review to which a more affluent defendant would be entitled. *See Burns v. Ohio*, 360 U.S. 252 (1959).

WHEREFORE, Petitioner moves that this Court declare him indigent and allow filing and prosecution of his petition without payment of any fees or costs.

Respectfully submitted,

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