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IN THE SUPREME COURT OF THE UNITED STATES

MARC HERNANDEZ,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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On Petition for Writ of Certiorari
To the United States Court of Appeals for the Third Circuit

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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Pursuant to 28 U.S.C. § 1915 and this Court’s Rule 39.1, the petitioner, above named, moves for leave to proceed *in forma pauperis*. In support of his motion, he states:

1. This proceeding is a petition for a writ of certiorari to review the judgment and opinion of the United States Court of Appeals for the Third Circuit, filed on June 8, 2023, affirming the petitioner’s convictions and sentence, on remand for resentencing (Pet. Appx. B), in a federal criminal case. *See* Pet. Appx. A. Rehearing was denied on July 7, 2023, and the judgment re-entered upon recall of the mandate and appointment of the undersigned on October 5, 2023. *See* Pet. Appx. C, D.

2. On October 5, 2023, The Clerk of the United States Court of Appeals for the Third Circuit appointed the undersigned as counsel for the petitioner

under the Criminal Justice Act, 18 U.S.C. § 3006A(c), for purposes of preparing and filing a petition for certiorari. *See* Dkt. Entry 53 (3d Cir. No. 21-3383).

3. Pursuant to 18 U.S.C. § 3006A(d)(7) and this Court's Rule 39.1, no affidavit of poverty is attached.

WHEREFORE, the petitioner prays that this Court grant him leave to proceed *in forma pauperis*.

Dated: January 3, 2024

Respectfully submitted,


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Court-Appointed (CJA)
Counsel for the Petitioner