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IN THE SUPREME COURT OF THE UNITED STATES

**JIMMY LEE SMART,
Petitioner,**

v.

**UNITED STATES OF AMERICA,
Respondent.**

**On Petition for Writ of Certiorari to the United States
Court of Appeals for the Fifth Circuit**

**MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS**

Pursuant to Rule 39 and 18 U.S.C. § 3006A(d)(7), Petitioner Jimmy Lee Smart asks leave to file the accompanying Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit without prepayment of costs and to proceed *in forma pauperis*. Petitioner was represented by counsel appointed under the Criminal Justice Act, 18 U.S.C. § 3006A(b) and (c), in the United States District Court and on appeal to the United States Court of Appeals for the Fifth Circuit.

Date: January 12, 2024

Respectfully submitted,

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