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Misc. No. \_\_\_\_\_

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IN THE  
**SUPREME COURT OF THE UNITED STATES**

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**NICHOLAS BUTLER,**

**Petitioner,**

**-vs-**

**UNITED STATES OF AMERICA,**

**Respondent.**

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

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The petitioner, Nicholas Butler, who is incarcerated in a federal correctional facility, asks leave to file the attached Petition for a Writ of Certiorari to The Supreme Court of the United States of America without prepayment of costs and to proceed *in forma pauperis*, pursuant to Court Rule 39.

The Petitioner was previously granted leave to proceed *in forma pauperis* by the U.S. Court of Appeal for the Fourth Circuit. By order of the Court of Appeals dated December 2, 2023, the undersigned was appointed appellate counsel for the petitioner, pursuant to the Criminal Justice Act, 18 USC § 3006A, which is why no affidavit from the petitioner is attached under Court Rule 39(1).

Dated: March 4, 2024

/s/ Mark Diamond  
Attorney for Petitioner