

No.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2023

DONALD KIE, JR.

Petitioner,

v.

GARRETT, Warden, Respondent.

MOTION TO PROCEED IN FORMA PAUPERIS

Pursuant to Title 18, United States Code § 3006A(d)(7) and Rule 39 of this Court, Petitioner Donald Kie Jr. asks leave to file the attached Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit without prepayment of fees and costs and to proceed *in forma pauperis*. Petitioner, who is serving a sentence of 163 to 408 months in state prison, was represented both in the district court and in the U.S. Court of Appeals for the Ninth Circuit by appointed counsel pursuant to an order of the district court under 18 U.S.C. § 3006A(a)(2)(B).

Undersigned counsel was the appointed counsel of record for Mr. Kie in the district court and in the Ninth Circuit.

Dated: May 29, 2024

Respectfully submitted,

/s/ Mark D. Eibert

MARK D. EIBERT

Post Office Box 1126

Half Moon Bay, CA 94019-1126

Counsel of Record for Petitioner Donald Kie, Jr.