

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

IN THE SUPREME COURT OF THE UNITED STATES

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JERIAH SCOTT BUDDER, PETITIONER

vs.

UNITED STATES OF AMERICA, RESPONDENT.

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ON PETITION FOR WRIT OF CERTIORARI TO THE TENTH CIRCUIT  
COURT OF APPEALS

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

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Attorney for Petitioner:

JAMES CASTLE  
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Petitioner Jeriah Scott Budder, through undersigned counsel and pursuant to Supreme Court Rule 39(1), respectfully asks for leave to file the attached Application for Extension of Time to File Petition for Writ of Certiorari, and ultimately the petition itself, without prepayment of fees or costs and to proceed *in forma pauperis*.

1. Petitioner has previously been granted leave to proceed *in forma pauperis* in the following courts:

- The United States District Court for the Eastern District of Oklahoma;
- The Tenth Circuit Court of Appeals.

2. Undersigned counsel was appointed to represent Mr. Budder at the government's expense pursuant to the Criminal Justice Act. Counsel is filing this motion, the attached unopposed application for extension of time in which to file petition for writ of certiorari, and, ultimately, the petition for writ of certiorari on behalf of Mr. Budder who is in the custody of the Bureau of Prisons and incarcerated at the Oklahoma City FTC, in Oklahoma City, Oklahoma.

Respectfully submitted this 27<sup>th</sup> day of October 2023,

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**AFFIDAVIT OF SERVICE**

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JAMES CASTLE, a member of the bar of this Court, hereby attests that pursuant to Supreme Court Rule 29, the preceding Motion to *Proceed in Forma Pauperis* was served on counsel for the Respondent by enclosing a copy of these documents in an envelope, first-class postage prepaid and addressed to:

Linda A. Epperley, Okla. Bar No. 12057  
Assistant United States Attorneys  
520 Denison Avenue  
Muskogee, Oklahoma 74401  
Telephone: (918) 684-5100  
Facsimile: (918) 684-5150  
linda.epperley@usdoj.gov

and that the envelope was deposited with the United Parcel Service, Denver,

Colorado 80220, on October 27<sup>th</sup>, 2023, and further attests that all parties required

to be served have been served.

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JAMES CASTLE