
No.

IN THE
SUPREME COURT OF THE UNITED STATES

MARK WHITWORTH,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE EIGHTH CIRCUIT

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

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COMES NOW Petitioner, Mark Whitworth, by his attorney, Rebecca Kurz, Appellate Chief Federal Public Defender, Western District of Missouri, and moves this Court, pursuant to 28 U.S.C. §1915, 18 U.S.C. § 3006A(d)(6) and Sup. Ct. R. 39.1 and .2, for leave to file a petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit without prepayment of docket or other fees, and to proceed *In Forma Pauperis*. The petition accompanies this motion.

Mr. Whitworth was represented by private counsel at trial in the United States District Court for the Western District of Missouri. Mr. Whitworth was indicted in the United States District Court, Western District of Missouri, on March 13, 2020, for conspiracy to distribute methamphetamine, and possession of methamphetamine with intent to distribute. Following Mr. Whitworth's finding of guilty, he appealed his sentence of 235 months of imprisonment. On

appeal to the United States Court of Appeals for the Eighth Circuit, private counsel moved to withdraw on January 6, 2023. On January 24, 2023, the Honorable Greg Kays, United States District Court Judge granted Mr. Whitworth's motion for leave to appeal *In Forma Pauperis*. The Eighth Circuit allowed private counsel to withdraw and appointed the Federal Public Defender on January 27, 2023. The Federal Defender represented Mr. Whitworth without payment of fees or costs or security and without filing the affidavit required by 28 U.S.C. § 1915(a), all pursuant to 18 U.S.C. § 3006A(d)(6).

Because the United States District Court for the Western District of Missouri permitted Mr. Whitworth to proceed *In Forma Pauperis*, and the United States Court of Appeals for the Eighth Circuit appointed counsel for him, no affidavit in support of this Motion to Proceed *In Forma Pauperis* in this Court is required. 18 U.S.C. § 3006A(d)(6) and Sup. Ct. R. 39.1.

s/Rebecca Kurz
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