

IN THE SUPREME COURT OF THE UNITED STATES

CHARLES ANTHONY GIOVINCO,
Petitioner,
-against-
TIMETHEA PULLEN, WARDEN,
Respondent.

MOTION TO PROCEED *IN FORMA PAUPERIS*

Petitioner Charles Anthony Giovinco requests leave to file the annexed Petition for Writ of Certiorari to the United States Court of Appeals for the Second Circuit without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39.

Undersigned counsel was assigned to represent Petitioner pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A on appeal in the United States Court of Appeals for the Second Circuit because Petitioner was indigent and incarcerated. Petitioner has remained both incarcerated and indigent since the commencement of this case and to this day. Accordingly, pursuant to 18 U.S.C. § 3006A(d)(6) and Rule 39.1, no declaration in compliance with 28 U.S.C. § 1746 is required.

Dated: Bay Shore, New York
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