

No. _____

IN THE
Supreme Court of the United States

EARL PENN,
Petitioner,
v.

UNITED STATES,
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, Earl Penn, by his attorney, Daniel P. Goldberg, Assistant 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.

United States Magistrate Judge Lajuana M. Counts appointed the Federal Public Defender Office to represent Mr. Penn pursuant to the Criminal Justice Act on October 1, 2020. Mr. Penn was indicted in the United States District Court, Western District of Missouri, on September 29, 2025, for felon in possession of a firearm. A Superseding Indictment was filed on August 2, 2022 charging Mr. Penn

with being a felon in possession of a firearm. Following a jury trial, Mr. Penn was found guilty on August 31, 2022. Mr. Penn appealed his sentence of 180 months of imprisonment. On appeal the Federal Defender continued to represent Mr. Penn 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 both the United States District Court for the Western District of Missouri and the United States Court of Appeals for the Eighth Circuit permitted Mr. Penn to proceed In Forma Pauperis and 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/ Daniel P. Goldberg

Daniel P. Goldberg

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