

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

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**In the Supreme Court of the United States**

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JUSTIN MILES NESS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

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**PETITIONER’S MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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Petitioner, Justin Miles Ness, requests leave to file the attached *Petition for Writ of Certiorari* to the Supreme Court of the United States without payment of costs and to proceed *in forma pauperis* in accordance with Rule 39 of the Rules of the Supreme Court of the United States.

Mr. Ness is indigent and has been represented by appointed counsel throughout the proceedings against him. On the 14th day of December, 2021, the United States District Court for Eastern District of Oklahoma appointed

Rex Earl Starr counsel for Mr. Ness in accordance with 18 U.S.C. § 3006A. On August 21, 2023, the Federal Public Defender for the Districts of Colorado and Wyoming was appointed as appellate counsel to Mr. Ness by the United States Court of Appeals for the Tenth Circuit in accordance with 18 U.S.C. §3006A. That office withdrew, with leave of the Tenth Circuit, on April 1, 2025, at which time the undersigned counsel (a CJA Panel Attorney on the Tenth Circuit's CJA Panel) was appointed as substitute counsel under the same authority.

Therefore, Mr. Ness is not required to submit a notarized affidavit or declaration in support of this motion. Supreme Court Rule 39.1.

Respectfully submitted,

/s/ Ryan A. Ray

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**ATTORNEY FOR PETITIONER,  
JUSTIN MILES NESS**

Dated: April 29, 2025