

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID LYMAN SPALDING — PETITIONER
(Your Name)

VS.

UNITED STATES — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

United States District Court - Northern District -- Dallas Division

1100 Commerce Str., - Dallas, TX 75242 - Honorable Judge Barbara Lynn

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

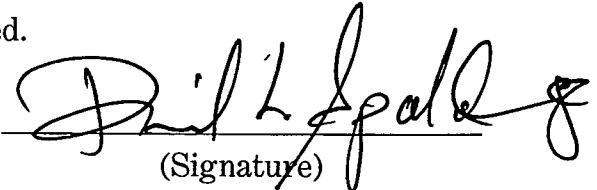
☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☒ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☒ The appointment was made under the following provision of law: _____

Appellate Counsel - Brian Newman -- Under the Criminal Justice Act, (CJA)

☒ A copy of the order of appointment is appended.


(Signature)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

DAVID LYMAN SPALDING (1)

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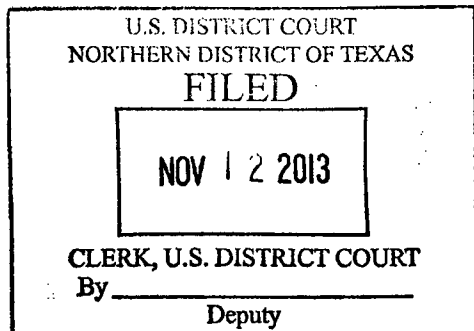
Case No. 3:13-cr-00422-M

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

The Court, having considered the Financial Affidavit of the Defendant, the court finds that the Defendant is financially unable to obtain counsel, and

IT IS, THEREFORE, ORDERED pursuant to Title 18, United States Code, Section 3006A, that the Federal Public Defender for the Northern District of Texas is appointed as counsel of record for the above named Defendant. Such appointment shall be for all proceedings, including any appeal.

SIGNED this 12th day of November, 2013.



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE

March 13, 2018

Mr. Scott Harris
Chief - Clerk of the Court
Supreme Court of the United States
Washington, D.C. 20543 - 0001

RE: United States v. David Lyman Spalding
USDC - Northern District - Dallas - Case # 3:13-CR-00422-M
Fifth Circuit Appeal - Case # 16 - 10289

Dear Mr. Harris -

Herein enclosed, from - David Spalding - ~~As~~ a Pro Se Movant / Defendant / Appellant, is my Writ of Certiorari. The Writ concerns Four (4) DENIALS of timely filed and properly briefed Motions, involving 28 U.S.C. § 1654 statute, by ONLY the Office of the Court Clerks - Fifth Circuit.

The Writ involves two (2) issues - the 'judicial authority' of the Court Clerks - per both the Appointment Clause and Article III of the Constitution. Also, the Writ also supports the argument that the Court Clerks are 'forcing' a "Procedural Default and Unreviewable Exhaustion Doctrine" - which is a Due Process violation, per the 5th Amendment, upon the Pro Se Movant - Mr. Spalding. The request for 'post-conviction' - 28 U.S.C. § 1654 status, is to file a "Supplement to the Appellate Brief" - prior to any final Mandate from the Fifth Circuit. The final Mandate, as of this Writ, has NOT been issued. All supporting 'Exhibits' have been enclosed.

Currently, I am represented by CJA - Appellate Counsel - Brian Newman, who only had one (1) ten minute visit with me and has never considered any of the various Constitutional issues.

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Scott Harris Ltr.

Supreme Court

March 13, 2018

Mr. Harris - I have been cureently declared indigent by the District Court. I will send the said documentation. If the Court also requires the \$300 'filing fee', I will send the monies.

My mailing address is: David L. Spalding

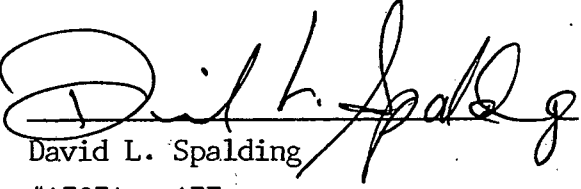
#47371 - 177

FCI - Box 9000

Seagoville, TX 75159--9000

I look forward to the important acceptance of this issue and a favorable response.

Sincerely,


David L. Spalding
#47371 - 177

CC; CJA - Counsel - Brian Newman
AUSA - James Hendrix
Deputy Chief - Office of the Court Clerks
Fifth Circuit - Lyle Cayce