

No. _____

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

KYLE RAY HIMES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Kyle Ray Himes (hereinafter “Mr. Himes”), hereby respectfully requests leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. In support of this request, Mr. Himes states as follows:

1. Mr. Himes has previously been granted leave to proceed *in forma pauperis* in the following courts:
 - a. The United States Court of Appeals for the Eleventh Circuit, in case number 16-10561.
2. A copy of the letter appointing undersigned counsel to represent Mr. Himes in the United States Court of Appeals for the Eleventh Circuit, pursuant to the Criminal Justice Act, is appended to this Motion as Exhibit “A.”

WHEREFORE the Petitioner, Kyle Ray Himes, respectfully requests that this Honorable Court grant him leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Respectfully submitted on this 1st day of March, 2018.

/s/ Michael M. Brownlee

Michael M. Brownlee, B.C.S
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Counsel of Record for Petitioner

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

July 28, 2016

Michael March Brownlee
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ORLANDO, FL 32801

Appeal Number: 16-10561-EE
Case Style: Kyle Himes v. Secretary, Florida Department, et al
District Court Docket No: 3:13-cv-01147-BJD-JRK

Party To Be Represented: **Kyle Ray Himes**

Dear Counsel:

We are pleased to advise that you have been appointed to represent on appeal the indigent litigant named above. This work is comparable to work performed pro bono publico. The fee you will receive likely will be less than your customary one due to limitations on the hourly rate of compensation contained in the Criminal Justice Act (18 U.S.C. § 3006A), and consideration of the factors contained in Addendum Four § (g)(1) of the Eleventh Circuit Rules.

Supporting documentation and a link to the CJA eVoucher application are available on the internet at <http://www.ca11.uscourts.gov/attorney-info/criminal-justice-act>. **For questions concerning CJA eVoucher please contact our CJA Team by email at cja_evoucher@ca11.uscourts.gov or phone 404-335-6167.** For all other questions, please call the "Reply To" number shown below.

FRAP 26.1 and the accompanying circuit rules on the Certificate of Interested Persons and Corporate Disclosure Statement (CIP) provide that: (1) every party and amicus curiae must include a CIP within every motion, petition, brief, answer, response, and reply filed; (2) in addition, appellants and petitioners must file a CIP within 14 days after the date the case or appeal is docketed in this court; and (3) within 14 days after the filing of the appellants' and petitioners' CIP, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a notice either indicating that the CIP is correct and complete, or adding any interested persons or entities omitted from the CIP.

On the same day a party or amicus curiae first files its paper or e-filed CIP, that filer must also

EXHIBIT A

complete the court's web-based CIP at the [Web-Based CIP](#) link on the court's website. Pro se filers (except attorneys appearing in particular cases as pro se parties) are **not required or authorized** to complete the web-based CIP.

Within fourteen (14) days from this date, you must file a Transcript Information Form, as required by Fed.R.App.P. 10(b)(1); a Transcript Information Form is available from the district court clerk. Appellant is required to file and serve copies of the form in accordance with the instructions included on the form. **UNLESS A TRANSCRIPT IS ORDERED, APPELLEE'S BRIEF MUST BE FILED WITHIN 30 DAYS FROM THE DATE OF THIS LETTER.** See 11th Cir. R. 31-1(b).

This is the only notice you will receive concerning the due date for filing briefs and appendices. See Fed.R.App.P. 28, 30, 31, 32, the corresponding circuit rules, General Order 39 and the Guide to Electronic Filing for further information. Pro se parties who are incarcerated are not required to file an appendix.

Your claim for compensation under the Act should be submitted within 60 days after issuance of mandate or filing of a certiorari petition. Thank you for accepting this appointment under the Criminal Justice Act.

Attorneys must file briefs electronically using the ECF system. Use of ECF does not modify the requirements of the circuit rules that counsel must also provide seven (7) paper copies of a brief to the court, nor does it modify the requirements of the circuit rules for the filing of appendices in a particular case.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Sandra Brasselmon, EE
Phone #: (404) 335-6181

Enclosure(s)

CJA-1A Appointment of Counsel ltr Brief