

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JAMES MELVIN SMITH,

Petitioner,

v.

SECRETARY OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS,
SUPERINTENDENT OF GRATERFORD SCI,

Respondent.

MOTION FOR LEAVE TO FILE *IN FORMA PAUPERIS*

Petitioner James Melvin Smith, through counsel, respectfully moves for leave to proceed *in forma pauperis* in filing the attached Petition for Writ of Certiorari, and in support of this application submits as follows:

1. This case is before the Court on a Petition for Writ of Certiorari filed by Petitioner addressing the Third Circuit Court of Appeals' denial of a Certificate of Appealability from the Federal District Court of the Eastern District of Pennsylvania's denial of an evidentiary hearing.

2. Petitioner is indigent. He was represented in the state courts by court appointed counsel at trial and on direct appeal.

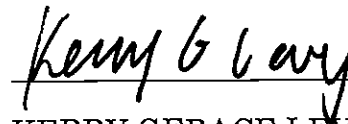
3. Petitioner is incarcerated and is without funds to secure the services necessary to proceed in this Court (e.g., printing costs, etc.) or to pay any fees.

4. Petitioner had previously been granted leave to proceed *in forma pauperis* by the United States District Court for the Eastern District of Pennsylvania. *See* May 8, 2013 Order attached.

5. Undersigned counsel affirms that all statements related above are true and correct.

WHEREFORE, Petitioner requests that the Court allow him to proceed *in forma pauperis*.

Respectfully submitted,

A handwritten signature in black ink, reading "Kerry Gerace Levy", is written over a horizontal line.

KERRY GERACE LEVY*
Federal Community Defender for the
Eastern District of Pennsylvania
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Philadelphia, PA 19106
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(215) 928-0520

Counsel for Petitioner

*Counsel of Record & Member of the
Bar of the United States Supreme
Court

Dated: April 10, 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES MELVIN SMITH,

Petitioner,

v.

JOHN E. WETZEL, Secretary, Pennsylvania :
Department of Corrections; MICHAEL :
WENEROWICZ, Superintendent of the State :
Correctional Institution at GRATERFORD, :

Respondents.

CIVIL ACTION

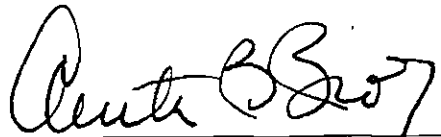
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ORDER

AND NOW, this 7th day of May, 2013, upon consideration of Petitioner's

Motion for Appointment of Federal Habeas Corpus Counsel and for Leave to Proceed *in Forma Pauperis*, it hereby ORDERED that:

1. Petitioner's Motion is GRANTED;
2. Petitioner is found to be indigent and *in forma pauperis* status is allowed; and
3. The Federal Court Division of the Defender Association of Philadelphia is appointed pursuant to 18 U.S.C. § 3599(a) to represent Petitioner in these habeas corpus proceedings.


ANITA B. Brerly, J.

Approved for _____