
No.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2018

DARYL DIEMER,
Petitioner,

v.

UNITED STATES OF AMERICA,
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

LAINÉ CARDARLLA
Federal Public Defender
Western District of Missouri

DAN GOLDBERG
Appellate Attorney
Federal Public Defender
818 Grand, Suite 300
Kansas City, Missouri 64106
(816) 471-8282
Attorney for Petitioner

No.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2018

DARYL DIEMER,
Petitioner,

v.

UNITED STATES OF AMERICA,
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

COMES NOW Petitioner, Daryl Diemer, by his attorney, Dan Goldberg, Appellate Attorney, 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.

On February 4, 2016, Mr. Diemer filed a petition pursuant to 28 U.S.C. § 2255 seeking to vacate the sentence previously imposed in criminal case number 4:08cr-00302. On February 5, 2018, the Federal Public Defender's Office was appointed to represent Mr. Diemer pursuant to the Criminal Justice Act and a standing order that

had been entered by Chief District Court Judge Kays. Following denial of Mr. Diemer's § 2255 motion, he filed a notice of appeal and a motion for certificate of appealability at the Eighth Circuit Court of Appeals. On appeal the Federal Defender continued to represent Mr. Diemer 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)(7).

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. Diemer 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)(7) and Sup. Ct. R. 39.1.

/s/ Dan Goldberg
DAN GOLDBERG
Appellate Attorney
818 Grand, Suite 300
Kansas City, Missouri 64106
(816) 471-8282
Attorney for Petitioner