

Capital Case

Case No. _____

In the Supreme Court of the United States

CARLOS CUESTA-RODRIGUEZ,
Petitioner,
v.
TOMMY SHARP, Interim Warden,
Oklahoma State Penitentiary,
Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Carlos Cuesta-Rodriguez, is now being held by the Oklahoma Department of Corrections, currently incarcerated at the Oklahoma State Penitentiary, where he is serving a sentence of death. Mr. Cuesta-Rodriguez requests leave to file the attached *Petition for Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit* without payment of costs and to proceed *in forma pauperis* pursuant Rule 39 of the Rules of the Supreme Court of the United States.

Mr. Cuesta-Rodriguez is indigent and has been represented by appointed counsel throughout the proceedings against him. On October 12, 2011, the United States District Court for the Western District of Oklahoma, Case No. CIV-11-1142-M, appointed the Office of the Federal Public Defender for the

Western District of Oklahoma to represent Mr. Cuesta-Rodriguez, pursuant 18 U.S.C. §3006A. In addition, the Tenth Circuit Court of Appeals granted Petitioner's Motion to Continue CJA Appointment on Appeal in Case No. 16-6315, Order issued November 23, 2016. Therefore, Mr. Cuesta-Rodriguez is not required to submit a notarized affidavit or declaration in support of this motion. See Supreme Court Rule 39.1. This motion precedes and is attached to the Petition for Writ of Certiorari in compliance with Supreme Court Rule 39.2.

Respectfully submitted,

s/ Michael W. Lieberman

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Dated this 13th day of September, 2019.