

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2019

DALE W. EATON,

Petitioner,

vs.

MIKE PACHECO, Warden,
Wyoming State Penitentiary,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

MOTION TO PROCEED *IN FORMA PAUPERIS*

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IN THE UNITED STATES SUPREME COURT

**ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT**

DALE W. EATON,)	
)	
Petitioner,)	
)	
vs.)	A - _____
)	
MIKE PACHECO,)	
Warden, Wyoming)	
State Penitentiary,)	
)	
Respondent.)	

**PETITIONER’S APPLICATION FOR
LEAVE TO PROCEED *IN FORMA PAUPERIS***

COMES NOW petitioner, Dale W. Eaton, by and through counsel, and submits to this Court, pursuant to Rule 39, his application for leave to proceed in forma pauperis on his Petition for Writ of Certiorari to the Tenth Circuit Court of Appeals. In support of this application, petitioner states as follows:

1. Mr. Eaton’s Petition for Writ of Certiorari seeks review of the judgment of the Tenth Circuit Court of Appeals in *Eaton v. Pacheco*, 931 F.3d 1009 (10th Cir. 2019), affirming the partial grant of summary judgment against Mr. Eaton on his Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 alleging that his lawyer’s failure to investigate his background and mental health caused

him to be brought to trial while mentally incompetent. Mr. Eaton has been continuously incarcerated since 1998, and is a poor person without means to pay fees or expenses related to his petition.

2. Undersigned counsel was appointed in the district court and in the court below in this matter pursuant to the Criminal Justice Act of 1964, 18 U.S.C. § 3006A. Mr. Eaton was found indigent and represented by court-appointed counsel at his trial, appeal and all subsequent proceedings in the Wyoming state and federal courts.

WHEREFORE, Petitioner Dale W. Eaton respectfully requests that this Court grant him leave to proceed *in forma pauperis* on his petition for a writ of certiorari, and to enter such further order as the Court deems just and appropriate.

Respectfully submitted,

SEAN D. O'BRIEN, Mo. Bar #30116
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CERTIFICATE OF SERVICE

I hereby certify that I am a member of the bar of this Court and that the original plus two true and correct copies of Petitioner's Application for Leave to Proceed *in forma pauperis* on his Petition for a Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit were forwarded, postage prepaid, to:

Scott S. Harris, Clerk
United States Supreme Court
One First Street N.E.
Washington, DC 20543.

One copy was forwarded, postage prepaid, to:

BRIDGET HILL
Wyoming Attorney General
JENNY L. CRAIG
Deputy Attorney General
2320 Capitol Ave.
Cheyenne, WY 82002
Counsel for Respondent

this 24th day of February, 2020.

Sean D. O'Brien
Counsel of Record for Petitioner