

No. 20- _____

IN THE SUPREME COURT OF THE UNITED STATES

EDUARDO DAVID VARGAS, *Petitioner*,

v.

STATE OF CALIFORNIA, *Respondent*.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF CALIFORNIA**

**PETITIONER'S MOTION TO PROCEED ON WRIT OF CERTIORARI
*IN FORMA PAUPERIS***

CAPITAL CASE

RUSSELL S. BABCOCK
California State Bar No. 99130

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Attorney for Petitioner
EDUARDO DAVID VARGAS

**MOTION TO PROCEED ON WRIT OF CERTIORARI
IN FORMA PAUPERIS**

Pursuant to Rule 39 of this Court, Petitioner Eduardo David Vargas requests leave to file the accompanying Petition for Writ of Certiorari without prepayment of fees or costs, and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the California Supreme Court pursuant to California Penal Code section 1240.

A copy of the California Supreme Court's order appointing undersigned counsel for the state direct appeal is attached as Appendix A.

Dated: December 8, 2020

/S/

Russell S. Babcock

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Attorney for Petitioner
EDUARDO DAVID VARGAS

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CERTIFICATE OF SERVICE

I, Russell S. Babcock, a member of the Bar of This Court, do hereby certify that my business address is 1901 First Avenue, First Floor, in the City and County of San Diego, California, Telephone (619) 531-0887 that on December 9, 2020 I served, pursuant to Supreme Court Rule 29, one true copy of the PETITION FOR A WRIT OF CERTIORARI and MOTION TO PROCEED IN FORMA PAUPERIS in the above-titled matter on all the following parties by sending same to their registered email address of record:

Michael T. Murphy
Deputy Attorney General
Mike.Murphy@doj.ca.gov

California Supreme Court
Attn: April Boelk
April.Boelk@jud.ca.gov

Neoma Kenwood
Attorney, California Appellate Project
N.Kenwood@capsf.org

Additionally, I served the following party, who does not have an email account, by sending a copy of the document by U.S. mail to his address of record:

Mr. Eduardo T. Vargas
T33620
CSP San Quentin
San Quentin, CA 94974

Dated this 9 day of December, 2020

Respectfully submitted,

/s/ Russell S. Babcock

RUSSELL S. BABCOCK
Attorney for Petitioner
Eduardo Vargas