

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ELEUTERIO ZUBIA-MELENDEZ, PETITIONER

v.

UNITED STATES OF AMERICA, RESPONDENT

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

MOTION TO PROCEED IN FORMA PAUPERIS

JOSEPH OSTINI
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Attorney for Petitioner

TO THIS HONORABLE COURT:

Eleuterio Zubia-Melendez, Petitioner, through counsel, hereby requests leave to proceed *in forma pauperis* and would show as follows.

Mr. Zubia-Melendez filed an affidavit in the U.S. District Court indicating his financial condition and requested that counsel be appointed to represent him. Mr. Zubia-Melendez's financial condition had not improved by his interview with U.S. Probation in connection with his presentence investigation report. Since then, he has remained in custody, and his financial condition has not improved.

Mr. O'Neal was appointed trial counsel by the U.S. District Court, and the undersigned was appointed on appeal under 18 U.S.C. Section 3006A.

FOR THESE REASONS, pursuant to Supreme Court Rule 39, Eleuterio Zubia-Melendez respectfully requests leave to proceed *in forma pauperis* in this case.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph Ostini". The signature is written in a cursive, flowing style.

By: /s/ Joseph Ostini

Joseph Ostini

Counsel of Record for Mr. Zubia-Melendez

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