

No. _____
(CAPITAL CASE)

IN THE
Supreme Court of the United States

JOHN ALLEN RUBIO,

Petitioner,

vs.

ERIC GUERRERO, Director, Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Jeremy Schepers*
Supervisor, Capital Habeas Unit

Federal Public Defender's Office
Northern District of Texas
525 South Griffin Street, Ste. 629
Dallas, Texas 75202
214-767-2746
214-767-2886 (fax)
jeremy_schepers@fd.org

Lee Kovarsky
Special Counsel

Phillips Black, Inc.
A Non-Profit Law Practice
727 E. Dean Keeton Street
Austin, Texas 78705
434.466.8257
l.kovarsky@phillipsblack.org

Counsel for Petitioner
**Counsel of record*

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Pursuant to Rule 39 of the Rules of the Supreme Court of the United States, Petitioner John Allen Rubio asks leave to file the accompanying Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit without payment of costs and to proceed *in forma pauperis*. In support of the request, Petitioner states the following:

1. The Petition for Writ of Certiorari in the form prescribed by Rule 14 of the Rules of this Court, with Appendices attached, is submitted for filing along with this Motion.
2. Petitioner has previously been granted leave to proceed *in forma pauperis* in the following courts:

The United States District Court for the Southern District of Texas (No. 1:18-cv-00088)

The United States Court of Appeals for the Fifth Circuit (No. 24-70004)

3. Counsel was appointed to represent Petitioner pursuant to 18 U.S.C. § 3599(a)(2) on June 18, 2018.
4. Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding.

Respectfully submitted,

Jeremy Schepers*
Supervisor, Capital Habeas Unit

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