

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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DAVID BERT PAYCER,

*Petitioner,*

vs.

UNITED STATES OF AMERICA,

*Respondent.*

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

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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JON M. SANDS  
Federal Public Defender  
District of Arizona

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\* *Counsel of Record*

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**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

The Petitioner, David Bert Paycer, by and through his court-appointed counsel, Daniel L. Kaplan, Assistant Federal Public Defender, respectfully requests leave to proceed *in forma pauperis* in petitioning this Court for a writ of certiorari. As grounds therefor, and pursuant to Supreme Court Rule 39.1, Petitioner states that undersigned counsel was appointed pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, and proceeded under that appointment in the United States Court of Appeals for the Tenth Circuit, and that Petitioner is financially unable to retain private counsel and pay for costs attendant to the proceedings before this Honorable Court.

WHEREFORE, Petitioner respectfully requests through counsel that he be granted leave to proceed *in forma pauperis*.

RESPECTFULLY SUBMITTED this 27th day of February, 2026.

JON M. SANDS  
Federal Public Defender  
District of Arizona

*s/ Daniel L. Kaplan*  
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