

No. 26-_____

SUPREME COURT OF THE UNITED STATES

Emory Allen Day,

Petitioner,

vs.

United States of America,

Respondent

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

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Rule 39 of the Rules of this Court, the Petitioner, Emory Day, asks leave to file his Writ of Certiorari without prepayment of costs, and to proceed *in forma pauperis*.

Pursuant to 18 USC §3006A (the Criminal Justice Act), the Petitioner has previously been appointed counsel both by the District Court, and this appointment continued through the Circuit Court. Petitioner's counsel is the CJA appointed trial counsel. Petitioner is incarcerated in the Federal Bureau of Prisons and remains indigent.

Respectfully submitted,

/s/ James Amberg

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Dated June 3, 2026