

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

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**KYLE THOMAS SMITH,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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

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**Julia L. O'Connell  
Federal Public Defender**

**Jared T. Guemmer  
(Counsel of Record)  
Assistant Federal Public Defender  
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**Office of Federal Public Defender  
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Counsel for Petitioner**

**October 2, 2026**

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

Petitioner, Kyle Thomas Smith, an indigent party in this case, moves for leave to proceed in forma pauperis for the purpose of filing a Petition for Writ of Certiorari.

Petitioner's financial indigency was recognized by the United States Court of Appeals for the Tenth Circuit, which on June 6, 2025, appointed the Office of Federal Public Defender identified below to represent Petitioner pursuant to the Criminal Justice Act (18 U.S.C. §3006A). See also Fed. R. Crim. P. 44(a) (providing right to appointment of counsel on appeal for defendants unable to obtain counsel). A copy of the appointment order is attached to this Motion. The Petitioner has since been continuously represented by his appointed counsel.

Petitioner requests that this Court grant leave to proceed in forma pauperis pursuant to Supreme Court Rule 39.1, and permit Petitioner to submit his Petition for Writ of Certiorari without prepayment of filing fees and costs.

Respectfully submitted,

/s/ Jared T. Guemmer

Jared T. Guemmer

MO Bar No. 69109

Assistant Federal Public Defender

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UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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Christopher M. Wolpert  
Clerk of Court

Jane K. Castro  
Chief Deputy Clerk

June 06, 2025

Kayla Cannon  
Mr. Jared Guemmer  
Federal Public Defender  
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One West Third Street, Suite 1225  
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**RE: 25-5081, United States v. Smith**  
Dist/Ag docket: 4:24-CR-00406-GKF-1

Dear Counsel:

You have been appointed as counsel for appellant pursuant to the Criminal Justice Act, 18 U.S.C. 3006A. The order appointing you has been docketed in the above-referenced appeal. If an adverse decision is rendered you must advise your client of the right to seek review of this court's decision by petition for certiorari. If the client requests, and you believe a petition to be legally sound, you must file one with the clerk of the Supreme Court of the United States. *See* Criminal Justice Act Plan, 10th Cir. R., Addendum I.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Christopher M. Wolpert', with a long horizontal stroke extending to the right.

Christopher M. Wolpert  
Clerk of Court

cc: John E. Brasher  
Thomas Duncombe  
Reagan V Reininger

CMW/at