

No.

In the Supreme Court of the United States

JAMES DAVID ALLEN, II,
PETITIONER

v.

UNITED STATES OF AMERICA,
RESPONDENT

On Petition for Writ of Certiorari to the
United States Court of Appeals
For the Ninth Circuit, No. 23-3636

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

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Counsel for Petitioner
James David Allen, II

Petitioner James David Allen, II respectfully requests leave to file the attached petition for writ of certiorari in forma pauperis. Mr. Allen proceeded in forma pauperis in the federal court of appeals and had the undersigned counsel appointed under the Criminal Justice Act of 1964, 18 U.S.C. § 3006A.

This motion is brought pursuant to Rule 39 of the Rules of the Supreme Court of the United States.

Dated: October 12, 2026

Respectfully submitted,

s/ David L. Annicchiarico

DAVID L. ANNICCHIARICO
Counsel of Record for Petitioner
California Bar No. 247544