No.

IN THE SUPREME COURT OF THE UNITED STATES

DONALD KIRK MCDONALD, JR., PETITIONER,

v.

STATE OF FLORIDA, RESPONDENT.

PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS

DANIEL EISINGER
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COMES NOW Petitioner, Donald Kirk McDonald, Jr., and moves this Court, pursuant to Rule 39.1, Rules of the Supreme Court, to declare him indigent and allow him to proceed *in forma pauperis* in this cause, in particular to waive any filing fees. As grounds therefore, Petitioner says:

1. Petitioner applies for a writ of certiorari to review the decision of the Fourth District Court of Appeal of Florida affirming his convictions and sentence.

2. On April 9, 2025, Petitioner was declared an indigent party, and the public defender was appointed to represent him on appeal. *See* Fla. Stat. § 27.52 (2025).

3. Petitioner was imprisoned for 20 years; he is still indigent, and he has no funds with which to pay any fees or costs in this action.

4. Federal law requires all courts of the United States to allow commencement and prosecution of any suit without prepayment of fees or costs upon the showing made above. 28 U. S. C. § 1915(a).

5. Refusal to allow Petitioner to proceed *in forma pauperis* would deny him equal protection of the law, meaningful access to the courts, and due process of the law since he cannot otherwise

get the review to which a more affluent petitioner would be entitled. *See Burns v. Ohio*, 360 U. S. 252 (1959).

WHEREFORE, Petitioner moves that this Court declare him indigent and allow him to file and prosecute his petition without the payment of any fees or costs.

Respectfully Submitted,

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/s/ PAUL EDWARD PETILLO
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