Case No. _____

IN THE SUPREME COURT OF THE UNITED STATES

MIGUEL GABINO TRUJILLO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Julia L. O'Connell
Federal Public Defender

Barry Derryberry
(Counsel of Record)
First Assistant Federal Public Defender
Barry_Derryberry@fd.org

Office of Federal Defender
Northern District of Oklahoma
One West Third Street, Ste. 1225
Tulsa, OK 74103
Phone (918) 581-7656
Fax (918) 581-7630
Counsel for Petitioner

November 9, 2026

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Miguel Gabino Trujillo, 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 July 25, 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/ Barry Derryberry
Barry Derryberry
Okla. Bar Assn. No. 13099
First Assistant Federal Defender
Office of Federal Public Defender
Northern District of Oklahoma
One West Third Street, Suite 1225
Tulsa, Oklahoma 74103
(918) 581-7656
Barry_Derryberry@fd.org
Counsel for Petitioner

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157
Clerk@ca10.uscourts.gov

Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

January 28, 2026

The Office of the Federal Public Defender
Northern District of Oklahoma
112 North Seventh Street
Muskogee, OK 74401

RE: 26-5008, United States v. Trujillo
Dist/Ag docket: 4:25-CR-00265-SEH-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,

Christopher M. Wolpert
Clerk of Court

cc: Kate Brandon
Steven Briden

CMW/art