

No. ____

IN THE
SUPREME COURT OF THE UNITED STATES

CHENEQUA AUSTIN,
ERIC JERMAINE SPIVEY,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioners, Chenequa Austin and Eric Jermaine Spivey, pursuant to SUP CT. R. 39.1, respectfully move for leave to file the accompanying petition for writ of certiorari in the Supreme Court of the United States without payment of costs and to proceed *in forma pauperis*.

Petitioners were found financially unable to obtain counsel. The Federal Public Defender of the Southern District of Florida was appointed to represent Petitioner Austin, and Michael G. Smith was appointed to represent Petitioner Spivey, pursuant to 18 U.S.C. § 3006A. Therefore, in reliance upon RULE 39.1 and § 3006A(d)(6), Petitioners have not attached the affidavit which would otherwise be required by 28 U.S.C. § 1746.

MICHAEL CARUSO
Federal Public Defender

Miami, Florida
December 11, 2017

By: /s/ Andrew L. Adler
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