

No.

In the Supreme Court of the United States

THELONIOUS WAYNE KIRBY,
PETITIONER

v.

UNITED STATES OF AMERICA

*On Petition for Writ of Certiorari to
the United States Court of Appeals
for the Eleventh Circuit*

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner Thelonious Wayne Kirby seeks leave to file the enclosed Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit without prepayment of costs and to proceed *in forma pauperis* in accordance with Supreme Court Rule 39 and 18 U.S.C. § 3006A(d)(6). The filing of this petition is a continuation of the representation of the defendant under a Criminal Justice Act appointment of the Office of the Federal Defender for the Middle District of Florida, by the United States District Court for the Middle District of Florida. In accordance with § 3006A(d)(6), no affidavit as required by Supreme Court Rule 39 need be filed.

WHEREFORE, Petitioner prays for leave to proceed *in forma pauperis*.

Respectfully submitted.

A. FITZGERALD HALL
Federal Defender

s/ Matthew D. Cavender _____
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