

Capital Case
No. _____

IN THE SUPREME COURT OF THE UNITED STATES

KEVIN UNDERWOOD,
Petitioner,

v.

OKLAHOMA PARDON AND PAROLE BOARD; TOM BATES in his
official capacity as Director of the Oklahoma Pardon and Parole Board;
and RICHARD MILLER, in his official capacity as Chairperson of
the Oklahoma Pardon and Parole Board,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Kevin Underwood, is now being held by the Oklahoma Department of Corrections, currently incarcerated at the Oklahoma State Penitentiary where he is serving a sentence of death. Mr. Underwood requests leave to file the attached *Application for Stay* without payment of costs and to proceed *in forma pauperis* pursuant to rule 39 of the Rules of the Supreme Court of the United States.

Mr. Underwood is indigent and has been represented by appointed counsel throughout the proceedings against him. On February 2, 2012, the United States District Court for the Western District of Oklahoma, Case No. CIV-12-111-D, appointed the Office of the Federal Public Defender for the Western District of Oklahoma to represent Mr. Underwood. 18 U.S.C. § 3006A. Thus, Petitioner is not required to submit a notarized affidavit or declaration in support of this motion. Supreme Court Rule 39.1.

Respectfully submitted,

s/ Emma V. Rolls

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ATTORNEYS FOR PETITIONER

Dated this 17TH day of December, 2024.