

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DAVID HILL

Petitioner

v.

BRENT REINKE, RANDY BLADES, AND RICHARD CRAIG

Respondents

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

David Hill asks leave to proceed *in forma pauperis* in this case. Mr. Hill has previously been granted leave to proceed *in forma pauperis* in the United States Court of Appeals for the Ninth Circuit. The Ninth Circuit appointed the undersigned counsel to represent Mr. Hill under the Criminal Justice Act, 18 U.S.C. § 3006A, and a copy of that order is attached. Therefore no affidavit or declaration is required per Supreme Court Rule 39(1) and 18 U.S.C. § 3006A(d)(7).

Respectfully submitted,



Thomas V. Burch
Counsel of Record for Petitioner
University of Georgia School of Law
Appellate Litigation Clinic
225 Herty Drive
Athens, GA 30602
(706) 542-5236
tvburch@uga.edu

July 31, 2018

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 16 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DAVID TYLER HILL,

Plaintiff - Appellant,

v.

BRENT REINKE; et al.,

Defendants - Appellees.

No. 15-35061

D.C. No. 1:13-cv-00038-BLW
District of Idaho,
Boise

ORDER

Before: REINHARDT and RAWLINSON, Circuit Judges.

The district court has certified that this appeal is not taken in good faith and has revoked appellant's in forma pauperis status. Our review of the record indicates that appellant is entitled to proceed in forma pauperis, and we grant the motion. *See* 28 U.S.C. § 1915(a). Pursuant to 28 U.S.C. § 1915(b)(1) and (2), however, appellant eventually must pay the full amount of the filing and docketing fees for this appeal.

Accordingly, within 21 days after the date of this order, appellant shall complete and file with this court the enclosed prisoner authorization form, which directs the prison officials at appellant's institution to assess, collect, and forward to the court the \$505.00 filing and docketing fees for this appeal on a monthly

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basis whenever funds exist in appellant's trust fund account. These fees will continue to be collected regardless of the date or manner of disposition of this appeal. *See* 28 U.S.C. § 1915(b)(2), (e)(2).

If appellant fails to comply with this order, the Clerk shall dismiss the appeal for failure to prosecute. *See* 9th Cir. R. 42-1.

If appellant complies with this order, the opening brief will be due November 20, 2015; the answering brief will be due December 21, 2015; and the optional reply brief will be due within 14 days after service of the answering brief.

Because appellant is proceeding without counsel, the court waives the excerpts of record requirement. *See* 9th Cir. R. 30-1.2. The supplemental excerpts of record are limited to the district court docket report, the notice of appeal, the judgment or order appealed from, and any specific portions of the record cited in the answering brief. *See* 9th Cir. R. 30-1.7.

The Clerk shall serve this order and a prisoner authorization form on appellant.

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUG 4 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DAVID TYLER HILL,

Plaintiff-Appellant,

v.

BRENT REINKE; et al.,

Defendants-Appellees.

No. 15-35061
PRO BONO

D.C. No. 1:13-cv-00038-BLW
District of Idaho,
Boise

ORDER

Pursuant to this court's February 15, 2017 order directing the Clerk to appoint pro bono counsel, Thomas V. Burch, Esq., is hereby appointed to represent appellant for purposes of this appeal only. The Clerk shall amend the docket to reflect that Thomas V. Burch, Esq., University of Georgia School of Law, 225 Herty Drive, Athens, GA 30602, Email: tvburch@uga.edu, is pro bono counsel of record for appellant.

Within 14 days after the date of this order, pro bono counsel shall register on the court's website for electronic filing/noticing with the Case Management/Electronic Case Files (CM/ECF) system, if counsel has not already done so.

Within 30 days after the date of this order, appellant shall, and appellees may, complete and submit the Ninth Circuit Mediation Questionnaire. *See* 9th Cir. R. 3-4. The Clerk shall transmit the Mediation Questionnaire to counsel with this

order. Counsel shall return it according to the instructions contained in the Mediation Questionnaire.

Supplemental or replacement briefing shall proceed as follows: the opening brief is due October 2, 2017; the answering brief is due November 1, 2017; and the optional reply brief is due within 21 days after service of the answering brief.

The Clerk shall serve this order on appellant, as well as on all counsel. If appellant objects to the court's appointment of counsel in this appeal, appellant shall file a written objection within 14 days after the date of this order.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Katie de la Serna
Deputy Clerk
Ninth Circuit Rule 27-7