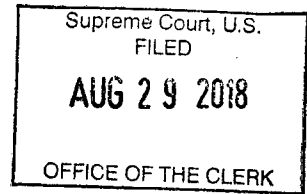


No. 18A232



IN THE  
SUPREME COURT OF THE UNITED STATES

Robert Alan Fratta - Petitioner

v.

Lorie Davis - Respondent

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner Robert Alan Fratta asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

Petitioner Fratta has previously been granted leave to proceed in forma pauperis in the following courts: U.S. Supreme Court, federal district court southern district in Houston, Texas Court of Criminal Appeals, and State district court #230 in Houston, and 5th Circuit Court of Appeals.

Per Rule 39, Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and a copy of the Order of appointment and the Order granting in forma pauperis are both included with this motion. (See the 3 pages following).

  
\_\_\_\_\_  
Robert Alan Fratta

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ROBERT ALAN FRATTA,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 4:13-CV-3438

**ORDER**

The Court **GRANTS** Robert Alan Fratta's motion to proceed *in forma pauperis*. (Instrument No. 4). Fratta will continue to proceed *in forma pauperis* and with appointed counsel throughout the remainder of his federal habeas proceedings.

The Clerk will deliver a copy of this Order to the parties.

SIGNED at Houston, Texas, this 21st day of January, 2014.



MELINDA HARMON  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ROBERT ALAN FRATTA,

§

§

Petitioner,

§

VS.

§ CIVIL ACTION NO. 4:13-CV-3438

§

WILLIAM STEPHENS,

§

§

Respondent.

§

**ORDER APPOINTING COUNSEL**

Robert Alan Fratta, an inmate on Texas' death row, has filed a *pro se* motion for the appointment of counsel. (Docket Entry No. 1). Under 18 U.S.C. § 3599(a)(2), "any [capital habeas petitioner] who is or becomes financially unable to obtain adequate representation . . . shall be entitled to the appointment of one or more attorneys." Fratta, however, has not yet filed an *in forma pauperis* application indicating his indigence and, therefore, his entitlement to appointed counsel.

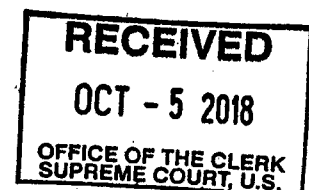
This Court conditionally finds that federal law entitles Fratta to the appointment of federal habeas counsel. The Court conditionally authorizes Fratta to proceed in federal court without the payment of fees. The Court **APPOINTS** the following law firm to represent Fratta throughout his federal habeas proceedings:

**Hilder & Associates, P.C.**

819 Lovett Blvd.

Houston, Texas 77006-3905

Telephone: (713) 655-9111



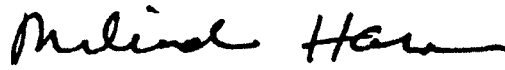
Facsimile: (713) 655-9112

E-mail: philip@hilderlaw.com; james@hilderlaw.com

Counsel will be compensated at the rate of \$178 per hour, pursuant to 18 U.S.C. § 3599(g)(1).  
Counsel may submit requests for interim payment for his work.

Fratta can fulfill the conditions of this appointment by filing a motion to proceed *in forma pauperis* with an accompanying showing of indigency within thirty (30) days of the entry of this Order.

SIGNED at Houston, Texas, this 4th day of December, 2013.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

MELINDA HARMON

UNITED STATES DISTRICT JUDGE