

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STEFONE DWAYNE PALOMO,
a.k.a. Wayne,

Petitioner,

v.

UNITED STATES OF AMERICA.

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, pursuant to Rule 39 and 18 U.S.C. § 3006A(d)(6), asks leave to file the accompanying Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit without prepayment of costs and to proceed in forma pauperis. Petitioner was represented by counsel appointed under the Criminal Justice Act, 18 U.S.C. § 3006A(b) and (c), in the United States District Court for the Eastern District of Texas and on appeal to the United States Court of Appeals for the Fifth Circuit. See attached Fifth Circuit order granting motion for appointment of counsel with acceptance email for CJA Counsel of Record, J. Jeffrey Springer.

Respectfully submitted this 5th day of November, 2018.


J. Jeffrey Springer
CJA Counsel of Record
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Attorneys for Petitioner

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-40946
USDC No. 1:15-CR-92-4



A True Copy
Certified order issued Feb 16, 2018

UNITED STATES OF AMERICA,

Jyle W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit
Plaintiff-Appellee

v.

STEFONE DWAYNE PALOMO, also known as Wayne, DAVID A. O'TOOLE, CLERK

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas

O R D E R:

Stefone Dwayne Palomo moves for the appointment of counsel in his direct criminal appeal. Palomo was represented in district court by retained counsel, but counsel withdrew as Palomo's attorney after the entry of judgment. Palomo filed a pro se notice of appeal, and he has submitted an affidavit demonstrating that he is financially unable to hire counsel for his direct appeal. Accordingly, his motion for the appointment of counsel is GRANTED. *See* 18 U.S.C. § 3006A; FIFTH CIRCUIT PLAN FOR REPRESENTATION ON APPEAL UNDER THE CRIMINAL JUSTICE ACT, § 3(A). The clerk is directed to establish a briefing schedule once counsel is appointed.

FOR THE COURT:

Michael E. Schneider
MICHAEL E. SCHNEIDER
DEPUTY CLERK

Bonita Carter

From: Jeff Springer
Sent: Thursday, February 15, 2018 3:50 PM
To: Jann_Wynne@ca5.uscourts.gov
Cc: Bonita Carter; Aubry Dameron
Subject: Re: 17-40946, USA v Stefone Palomo

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you Ms. Wynn. We will accept.

Sent from my iPhone

On Feb 15, 2018, at 3:02 PM, "Jann_Wynne@ca5.uscourts.gov" <Jann_Wynne@ca5.uscourts.gov> wrote:

Good afternoon. Our court has granted the above referenced defendant - appointment of counsel. Below is an excerpt from the district court docket sheet, as to this defendant.

Please advise if you are willing to accept appointment for representation for defendant Palomo. The next step in our court would be to review the district court docket sheet and order necessary transcript(s). Please advise by responding to this email. Thanks.

Jann Heisser Wynne
Case Manager Clerk, STX/ETX Team
United States Court of Appeals for the
Fifth Circuit
600 S. Maestri Place
New Orleans, LA 70130
504-310-7688

U.S. District Court [LIVE]
Eastern District of TEXAS (Beaumont)
CRIMINAL DOCKET FOR CASE #: 1:15-cr-00092-MAC-ZJH-4
Internal Use Only

Case title: USA v. Falcon et al

Date Filed: 08/05/2015

Date Terminated: 05/04/2017

Assigned to: Judge Marcia A. Crone

Referred to: Magistrate Judge Zack
Hawthorn

Appeals court case number: 17-40946
5CA

Defendant (4)

Stefone Dwayne Palomo
TERMINATED: 05/04/2017
also known as
Wayne
TERMINATED: 05/04/2017

represented by **Stefone Dwayne Palomo**
23508-078
FCI
PO Box 4050
Pollock, LA 71467
PRO SE

Albert John Charanza , Jr
Charanza Law Office, P.C.
P O Box 1825
Lufkin, TX 75902
936-634-8568
Fax: 19366340306
Email: alcharanza@consolidated.net
TERMINATED: 05/04/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

David Wesley Barlow
Barlow Law Office
Edison Plaza
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Beaumont, TX 77701
409/838-2168
Fax: 409/838-3145
Email: david_federal@davidwbarlow.com
TERMINATED: 05/04/2017
Designation: CJA Appointment

Russell James Wright
Attorney At Law
P O Box E
Silsbee, TX 77656
409-246-8844
Fax: 409-246-1001
Email: russjwright@yahoo.com
TERMINATED: 05/04/2017
Designation: CJA Appointment

Pending Counts
CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
METHAMPHETAMINE
(CRIMINAL FORFEITURE)
(1ss)

Highest Offense Level (Opening)
Felony

Disposition

180 months imprisonment cs w/imprisonment in Docket No. ND-6901 Newton Co Tx District Court, 5 yrs sup/rel, \$100 special assessment/AMENDED JUDGEMENT DUE TO CLERICAL ERROR

Terminated Counts

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
ACTUAL METHAMPHETAMINE -
CRIMINAL FORFEITURE

(1)

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
METHAMPHETAMINE
(CRIMINAL FORFEITURE)

(1s)

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
COCAINE HCL - CRIMINAL
FORFEITURE

(2)

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
COCAINE (CRIMINAL
FORFEITURE)

(2s)

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
COCAINE HCL (CRIMINAL
FORFEITURE)

(2ss)

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
COCAINE BASE - CRIMINAL
FORFEITURE

(3)

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
COCAINE BASE (CRIMINAL
FORFEITURE)

(3s)

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
COCAINE BASE (CRIMINAL
FORFEITURE)

(3ss)

Disposition

Dismissed on motion of the government

Highest Offense Level

(Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **John Bulkley Ross**

U S Attorney's Office - Beaumont

350 Magnolia

Suite 150

Beaumont, TX 77701-2237

Jefferson

409/839-2538

Fax: 409/839-2550

Email: john.ross5@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED