

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

In re Joseph C. Garcia, Petitioner

MOTION TO PROCEED *IN FORMA PAUPERIS*

Jon M. Sands
Federal Public Defender
Timothy M. Gabrielsen*
Illinois Bar No. 6187040
Mridula Raman
New York Bar No. 5103528
Jessica Salyers
Arizona Bar No. 032702
Assistant Federal Public Defenders
850 West Adams Street, Ste. 201
Phoenix, Arizona 85007
Tel. (602) 382-2700
tim_gabrielsen@fd.org
mridula_raman@fd.org
jessica_salyers@fd.org

COUNSEL FOR PETITIONER
**Counsel of Record for Petitioner*

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2019

In re Joseph C. Garcia, Petitioner

MOTION TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Rule 39.1 of the Rules of the Supreme Court of the United States, Petitioner Joseph C. Garcia requests to file the attached petition for writ of habeas corpus without prepayment of costs and to proceed *in forma pauperis*. Mr. Garcia is incarcerated at the Texas Department of Criminal Justice's Polunsky Unit in Livingston, Texas, and has been so incarcerated since he was convicted in state court of capital murder on February 6, 2003, and sentenced to death on February 13, 2003.

Due to his indigency, Mr. Garcia previously sought leave to proceed *in forma pauperis* and for the appointment of counsel in the United States District Court for the Northern District of Texas in his federal habeas corpus proceedings. The district court granted the request and appointed Camille Knight as lead CJA counsel pursuant to 21 U.S.C. § 848(q)(4)(B) and a second CJA attorney, Ronald L. Goranson, as co-counsel on January 26 and January 30, 2007, respectively. *See Orders, Garcia*

v. Quarterman, 3:06-CV-2185-M, Dkts. 7, 9 (N.D. Tex. Jan. 26 & 30, 2007) (hereinafter “Dist. Ct.” and docket number). When lead CJA counsel returned to her former employment at the Office of the Federal Public Defender for the Northern District of Texas, she filed an unopposed motion to have that office appointed to represent Mr. Garcia in order to maintain continuity in the representation of Mr. Garcia and for her CJA co-counsel merely to withdraw as counsel for Mr. Garcia at that time. Dist. Ct. Dkt. 98. The district court granted the motion and appointed the Federal Public Defender for the Northern District of Texas. *See* Order, Dist. Ct. Dkt. 99 (Oct. 8, 2014).

The Federal Public Defender for the Northern District of Texas later moved to withdraw and to have the court substitute the Federal Public Defender for the District of Arizona as counsel for Mr. Garcia. The court granted that motion. *See* Order Substituting Counsel, Dist. Ct. Dkt. 132 (Nov. 23, 2015). The Capital Habeas Unit of the Office of the Federal Public Defender for the District of Arizona continues to represent Mr. Garcia.

Mr. Garcia remains indigent and requests leave to proceed *in forma pauperis* in this Court on the above-captioned petition for writ of habeas corpus.

//


//

//

Respectfully submitted this 3rd day of December, 2018.

Jon M. Sands
Federal Public Defender
Timothy M. Gabrielsen*
Jessica Salyers
Mridula Raman
Assistant Federal Public Defenders

By:



Timothy M. Gabrielsen

*Counsel of Record for Petitioner