

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

ALBERT LUCERO,

Petitioner,

- v -

KIM HOLLAND, *Warden*,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

**MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS**

Pursuant to Title 18, United States Code, § 3006A(d)(6) and Rule 39 of this Court, Petitioner Albert Lucero, asks leave to file the attached Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit without pre-payment of fees or costs and to proceed *in forma pauperis*.

Petitioner was represented by counsel appointed pursuant to Title 18, United States Code, § 3006A on appeal the Ninth Circuit Court of Appeals.

Dated: November 29, 2018

Respectfully submitted,

s/ Johanna S. Schiavoni

Johanna S. Schiavoni

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Counsel for Petitioner

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUN 01 2016

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

ALBERT ANDREW LUCERO,

Petitioner - Appellant,

v.

KIM HOLLAND, Warden,

Respondent - Appellee.

No. 15-16111

D.C. No. 1:10-cv-01714-AWI-SKO
Eastern District of California,
Fresno

ORDER

Before: HAWKINS and TALLMAN, Circuit Judges.

The request for a certificate of appealability is granted with respect to the following issues: (1) whether admission of the “huila” violated appellant’s constitutional rights, *see Bruton v. United States*, 391 U.S. 123 (1968); and (2) whether there was sufficient evidence to sustain appellant’s conviction for possessing a shank in custody. *See* 28 U.S.C. § 2253(c)(3); *see also* 9th Cir. R. 22-1(e).

Appellant’s motion for appointment of counsel (Docket Entry No. 4) is granted. Counsel will be appointed by separate order.

The Clerk shall electronically serve this order on the appointing authority for the Eastern District of California, who will locate appointed counsel. The appointing authority shall send notification of the name, address, and telephone

number of appointed counsel to the Clerk of this court at
counselappointments@ca9.uscourts.gov within 14 days of locating counsel..

The opening brief is due September 20, 2016; the answering brief is due October 20, 2016; the optional reply brief is due within 14 days after service of the answering brief.

Counsel in this case may access the state lodged documents by logging into Appellate ECF and then choosing Reports > PACER Report.

The Clerk shall serve on appellant a copy of the “After Opening a Case - counseled Cases” document.

If Kim Holland is no longer the appropriate appellee in this case, counsel for appellee shall notify this court by letter of the appropriate substitute party within 21 days of the filing date of this order. *See* Fed. R. App. P. 43(c).



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Eastern District of California
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HEATHER E. WILLIAMS
Federal Defender

LINDA C. HARTER
Chief Assistant Defender

CHARLES J. LEE
Fresno Branch Chief

m e m o r a n d u m

Date: June 6, 2016

To: counselappointments@ca9.uscourts.gov

From: Connie Garcia
Panel Administrator

Subject: Albert Andrew Lucero v. Kim Holland, Warden
Case No.: 1:10-CV-01714 AWI; CA #: 15-16111

Pursuant to this Court's order of June 1, 2016, the Federal Public Defender has located the following attorney for appointment in this case and has forwarded an Order (CJA20 form) appointing counsel to the district court:

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