

No. 19-264

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

BRANDON KELLY,
SUPERINTENDENT, OREGON STATE PENITENTIARY,

Petitioner,

v.

LYDELL MARCUS WHITE,

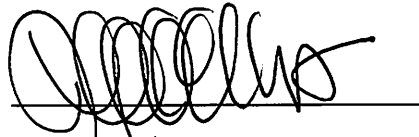
Respondent,

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Respondent asks leave to file the attached brief in opposition to the petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Respondent has previously been granted leave to proceed *in forma pauperis* in the proceedings below in the Oregon Supreme Court (S065188) and the Oregon Court of Appeals (A154435). An affidavit is not attached because respondent was appointed counsel in the court below in the current proceeding. A copy of the Oregon Court of Appeals order appointing counsel to represent petition in the state post-conviction appeal is appended.

Respectfully Submitted,



Jeffrey E. Ellis
621 SW Morrison Street, Suite 1025
Portland, OR 97205
Counsel of Record

IN THE COURT OF APPEALS OF THE STATE OF OREGON

LYDELL MARCUS WHITE,
Petitioner-Appellant,

v.

JEFF PREMO, Superintendent, Oregon State Penitentiary,
Defendant-Respondent.

Marion County Circuit Court
11C24315

A154435

ORDER APPOINTING COUNSEL

Appellant has moved for appointment of counsel to represent for purposes of appeal.

The motion is granted. Ryan O'Connor, OSB #053353, is appointed to represent appellant on appeal. The opening brief is due June 11, 2014.

 4/23/2014
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RICK T. HASELTON
CHIEF JUDGE, COURT OF APPEALS

c: Mark W Brownlee
Anna Marie Joyce
Ryan T O'Connor

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ORDER APPOINTING COUNSEL

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563