

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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JAMES BIELA, Petitioner

v.

STATE OF NEVADA, Respondent

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

COMES NOW, Christopher R. Oram, Esq., attorney for Petitioner JAMES BIELA, and moves this Court Pursuant to Rule 39 for leave to file the accompanying Petition for Writ of Certiorari to the Nevada Supreme Court without prepayment of costs and to proceed in forma pauperis. Petitioner was deemed indigent and represented by appointed counsel in the Second Judicial District Court of Nevada and the Nevada Supreme Court pursuant to Nev. Rev. Stat. 7.115 (Appointment of Attorney other than Public Defender). The Order of finding Mr. Biela indigent is attached as Exhibit A.

DATED this 2<sup>nd</sup> day of October, 2019.

Respectfully submitted by:

/s/ Christopher R. Oram, Esq.  
CHRISTOPHER R. ORAM, ESQ.  
Nevada Bar No. 004349  
520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada 89101  
(702) 384-5563  
Attorney for Petitioner  
JAMES BIELA

# EXHIBIT A

1 Code : 2715  
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THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

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7 JAMES MICHAEL BIELA,

8 Petitioner, Case No. : CR08P2605  
9 vs. Dept No. : 9

10 RENEE BAKER, Warden; and  
11 CATHERINE CORTEZ MASTO,  
12 Attorney General Of The State Of Nevada,

Respondents.

**RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL**

13 The Petitioner having been granted Forma Pauperis Status, and District Court  
14 Judge Freeman having determined that there is a basis for the appointment of  
15 counsel and having referred the matter to the Administrator of the Court  
16 Appointed Counsel for selection of counsel for the Petitioner, the Administrator of  
17 the Court Appointed Counsel makes the following recommendation:

18 IT IS HEREBY RECOMMENDED that Edward T. Reed, Esq., be appointed to  
19 represent Petitioner on this Petition For Writ Of Habeas Corpus. Said Counsel is to  
20 be paid pursuant to NRS 7.115 through NRS 7.165 by the State Public Defender in  
21 an amount recommended by the Administrator and approved by the Court.

22 IT IS HEREBY FURTHER RECOMMENDED that Petitioner's counsel have ten (10)  
23 days from the date of the Court's Order to designate what portions of the Court  
24 file counsel requests be provided to him by the Clerk of the Court;

25 IT IS HEREBY FURTHER RECOMMENDED that, if the newly appointed attorney  
26 is not an electronic filer with the Second Judicial District Court, the Clerk of the  
27 Court shall provide a CD of all designations made by Petitioner's counsel within five

1 (5) days of the designation. If the newly appointed attorney is an electronic filer  
2 with the Second Judicial District Court, the newly appointed attorney shall be  
3 placed as the attorney of record in case number CR08-2605.

4 IT IS HEREBY FURTHER RECOMMENDED that Counsel have forty-five (45) days  
5 from the date of the receipt of the record within which to supplement the Petition  
6 For Writ Of Habeas Corpus or file a Notice indicating that the original Petition For  
7 Writ Of Habeas Corpus shall stand as filed;

8 IT IS HEREBY FURTHER RECOMMENDED that the State of Nevada be ordered  
9 to respond within forty-five (45) days from the date of filing and service by the  
10 Petitioner of the Petition to Supplement or Notice Of Nonsupplementation;

11 IT IS HEREBY FURTHER RECOMMENDED that Counsel for Petitioner and the  
12 State of Nevada be ordered to appear within fifteen (15) days of the final briefing  
13 before the Administrative Assistant in Department 9, of the Second Judicial District  
14 Court for the purpose of setting this case for hearing.

15 DATED this 11 day of Feb., 2013. 

16 ROBERT C. BELL, ESQ., ADMINISTRATOR,  
17 COURT APPOINTED COUNSEL

18 Pursuant to the Nevada Supreme Court Order in ADKT 411, and the Second  
19 Judicial District Court's Model Plan to address ADKT 411, good cause appearing  
20 and in the interest of justice,

21 IT IS HEREBY ORDERED that the recommendations of the Administrator are  
22 hereby confirmed, approved and adopted. Edward T. Reed, Esq., shall be  
23 appointed to represent Petitioner on his Petition For Writ Of Habeas Corpus.

24 DATED this 27<sup>th</sup> day of Feb., 2013. 

25 CHIEF DISTRICT JUDGE

26  
27  
28 Signed without review pursuant to ADKT 411  
Second Judicial District Court Indigency Report,  
Dated May 1, 2008

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 1st day of March, 2013, I deposited in the county mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the foregoing addressed to:

Bob Bell  
*Via interoffice mail*

Edward Reed, Esq.  
955 S. Virginia St., #114  
Reno, NV 89502

flane  
Department 15 Court Clerk