

No. 20-

IN THE SUPREME COURT OF THE UNITED STATES

FERNANDO DURAN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for a Writ of Certiorari to the United States
Court of Appeals for the Tenth Circuit

Motion for Leave to Proceed *In Forma Pauperis*

Petitioner Fernando Duran moves under Supreme Court Rule 39 for leave to file the accompanying Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*. The United States Court of Appeals for the Tenth Circuit appointed undersigned counsel to represent Mr. Duran under the Criminal Justice Act, 18 U.S.C. § 3006A. The order of appointment is attached to this Motion.

Dated: January 7, 2020.

Respectfully submitted,

s/ Adam Mueller

Adam Mueller

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Counsel for Fernando Duran

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

May 10, 2018

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FERNANDO DURAN,

Defendant - Appellant.

No. 18-1062
(D.C. No. 1:17-CR-00135-RBJ-7)
(D. Colo.)

ORDER

Before **TYMKOVICH**, Chief Circuit Judge.

This matter is before the court on the appellant's Motion to Withdraw as Counsel and Request for New Appointment of Counsel Pursuant to the Criminal Justice Act, which was filed by the appellant's recently appointed appellate counsel, Jessica Yates (the "Motion"). Due to her acceptance of new employment, Ms. Yates seeks leave to withdraw from any further representation of the appellant in this court and appointment of other counsel to assist with the appeal. The required appellate documents have been filed, along with supplemental requests made after Ms. Yates' appointment. *See* 10th Cir. R. 46.3(A). Upon consideration, the Motion is granted, as provided below.

With Ms. Yates' withdrawal, the court finds that the appellant is eligible for, and the interests of justice require, the appointment of other counsel to assist with this appeal,

in accordance with 18 U.S.C. § 3006A. Therefore, we appoint attorney Adam Mueller as new counsel for the appellant.

All pleadings filed to date in this appeal may be accessed on the court's PACER docket. As a reminder, counsel appointed under the Criminal Justice Act ("CJA") may obtain access to those materials without cost by registering for a CJA counsel account at <http://pacer.psc.uscourts.gov>.

We also direct as follows:

1. Within 14 days of the date of this order, the appellant's former counsel, Ms. Yates, shall transmit copies of all documents in her possession pertinent to this appeal to Mr. Mueller (address: Haddon, Morgan and Foreman, P.C., 150 East 10th Avenue, Denver, Colorado 80203; telephone: 303-831-7364; email: amueller@hmflaw.com).
2. Also within 14 days of the date of this order, Mr. Mueller shall file and serve an entry of appearance in this court. *See* 10th Cir. R. 46.1.
3. This appeal is fully perfected. Nevertheless, if Mr. Mueller wishes to supplement the designation of record and/or transcript order form on file in the district court, he is directed to do so within 21 days of the date of this order, providing service notice to this court as necessary. If amendments or supplements to either are filed, new counsel should ensure that the different and/or additional materials are actually included in the record on appeal, whether in the original record or as a supplemental record (if necessary).

4. Briefing on the merits will begin after the district court transmits the record on appeal to this court.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Lara Smith
Counsel to the Clerk