

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD KENNETH DJERF,
Petitioner,

vs.

DAVID SHINN,
Director of the Arizona Department of Corrections, et al.,
Respondents.

**On Petition for Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit**

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Counsel for Petitioner Djerf

Pursuant to Rule 39, Rules of the Supreme Court, Petitioner Richard Kenneth Djerf hereby moves for leave to proceed *in forma pauperis* in the above-captioned action on the ground that he lacks sufficient funds to pay for fees and expenses. Richard Kenneth Djerf is incarcerated in the Arizona State Prison, Florence Unit. By order of March 5, 2002, the United States District Court, District of Arizona appointed counsel for Mr. Djerf pursuant to 21 U.S.C. § 848(q)(4)(B). Appendix A. Accordingly, Mr. Djerf asks that he be permitted to proceed *in forma pauperis* in this Court.

Respectfully submitted: February 28, 2020.

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s/ Therese Michelle Day
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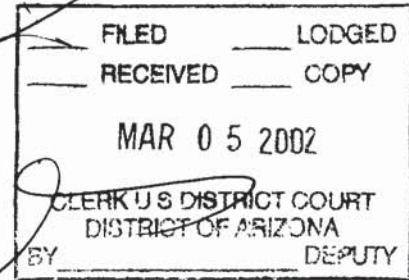
**APPENDIX TO MOTION FOR LEAVE TO PROCEED
*IN FORMA PAUPERIS***

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APPENDIX A

Order of Appointment and General Procedures,
Djerf v. Stewart, 02-cv-00358-PHX-SMM (D. Ariz. Mar. 5, 2002), ECF No. 4



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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Richard Kenneth Djerf,
Petitioner,
vs.
Terry Stewart, et al.,
Respondents.

No. CV-02-0358-PHX-SMM
DEATH PENALTY CASE

**ORDER OF APPOINTMENT
AND GENERAL PROCEDURES**

IT IS ORDERED granting Petitioner's Application for Appointment of Counsel and appointing Fredric F. Kay, Federal Public Defender, District of Arizona, as Counsel for Petitioner in his federal habeas corpus proceedings. The Federal Public Defender is authorized to designate an Assistant Federal Public Defender to handle the case. Appointment is made pursuant to 21 U.S.C. § 848(q)(4)(B).

IT IS FURTHER ORDERED that the designated Assistant Federal Public Defender file a notice of appearance with the Court within 10 days from the entry of this Order.

IT IS FURTHER ORDERED granting Petitioner's application to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that the Arizona Attorney General file a notice of appearance with the Court within 10 days from the entry of this Order.

IT IS FURTHER ORDERED that, in addition to the requirement of Local Rule 1.9(f), the parties shall file with the Clerk of Court an additional copy of every pleading or

(4)

1 other document filed from this date forward for use by the Capital Case Staff Attorney. The
2 notation "Capital Case Staff Attorney Copy" shall be clearly marked on the first page of such
3 copy.

4 **IT IS FURTHER ORDERED** that the following procedures shall govern the briefing
5 and resolution of this matter:

6 I. Case Management Conference (CMC) #1

7 A case management conference will be held on Tuesday, April 9, 2002, at 4:15 in
8 Courtroom 503. Prior to the conference, Petitioner's counsel is expected to meet with
9 Petitioner and to review the appellate opinion. Counsel should also attempt to contact
10 Petitioner's state court counsel to obtain preliminary information about the case and to
11 assemble the files and records from the state proceedings.

12 At the conference, Petitioner's counsel will be expected to discuss the time needed to
13 assemble the record and to explain any problems encountered in that regard. Both parties
14 should be prepared to articulate their positions regarding the statute of limitations and to
15 discuss any other issues which may affect the filing of the Amended Petition or efficient
16 resolution of this matter.

17 Following the conference, the Court will issue a Case Management Order scheduling
18 CMC #2, at which the Court will set deadlines for the filing of the Amended Petition,
19 responsive pleadings, and other pleadings as the Court may deem necessary.

20 II. Amended Petition

21 The Amended Petition shall include all known claims of constitutional error or
22 deprivation entitling Petitioner to habeas relief. See Rule 2(c), 28 U.S.C. foll. § 2254. The
23 Amended Petition shall set forth enumerated claims for federal habeas relief. ***For each***
24 ***claim, Petitioner shall (1) state with specificity the facts and legal authority supporting the***
25 ***merits of the claim, and (2) state when and where the claim was presented to or***
26 ***considered by the state's highest court.***

27 III. Answer

28 After the Amended Petition is filed, Respondents shall file an Answer. Pursuant to

1 Rule 5 of the Rules Governing Section 2254 Cases, Respondents' Answer shall specifically
2 respond to the allegations of the petition. *The Court intends the Answer to be a*
3 *comprehensive responsive pleading, addressing both the factual allegations and legal*
4 *contentions raised in the Amended Petition as well as any procedural defenses with*
5 *respect to individual claims.* Accordingly, Respondents shall address the merits of each
6 claim regardless of whether Respondents believe the claim is barred from review by the
7 federal court.

8 IV. Traverse

9 Petitioner will be given an opportunity to file a traverse in reply to Respondents'
10 Answer. The filing of a Traverse is optional.


11 **IT IS FURTHER ORDERED** that this case, having been randomly reassigned, by
12 lot, to Judge James A. Teilborg, pursuant to Rule 1.2(e) of the Local Rules of Practice, shall
13 be redesignated as No. CV-02-0358-PHX-JAT.

14 **IT IS FURTHER ORDERED** that the Clerk of Court forward a copy of the Petition
15 for Writ of Habeas Corpus, the Order Staying Execution, and this Order to Petitioner's
16 counsel.

17 **IT IS FURTHER ORDERED** that a copy of the Petition for Writ of Habeas Corpus
18 and this Order be served by the Clerk of Court upon Respondents Terry Stewart and George
19 Herman and upon Kent Cattani, Assistant Arizona Attorney General, by certified mail
20 pursuant to Rule 4, Rules Governing Section 2254 Cases.

21 **IT IS FURTHER ORDERED** that the Clerk of Court forward a copy of this Order
22 to Petitioner.

23
24 DATED this 4 day of March, 2002.

25
26 

27 Stephen M. McNamee
28 Chief United States District Judge