

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

IN THE  
SUPREME COURT OF THE UNITED STATES  
MIGUEL WOOTEN, Petitioner  
vs.  
WARREN MONTGOMERY, Warden, Respondent

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

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s): Superior Court for the County of Alameda, California; California Court of Appeal for the First Appellate District; United States District Court for the Northern District of California; United States Court of Appeals for the Ninth Circuit.

Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding. A copy of the order of appointment is appended.

  
RICHARD SUCH  
Attorney of Record

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 30 2018

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

MIGUEL ANTONIO WOOTEN,

Petitioner-Appellant,

v.

WARREN L. MONTGOMERY, Warden,

Respondent-Appellee.

No. 18-16657

D.C. No. 3:16-cv-03755-VC  
Northern District of California,  
San Francisco

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

A review of the district court docket reflects that the district court granted appellant leave to proceed in forma pauperis on October 3, 2018 and that such permission has not been revoked. Accordingly, appellant's in forma pauperis status continues in this court. *See* Fed. R. App. P. 24(a)(3). Appellant's motion to proceed in forma pauperis on appeal (Docket Entry No. 5) is therefore unnecessary.

Appellant's motion for appointment of counsel (Docket Entry Nos. 3 and 4) in this appeal from the denial of a 28 U.S.C. 28 U.S.C. § 2254 petition for writ of habeas corpus is granted. *See* 18 U.S.C. § 3006A(a)(2)(B); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). By this order, the court expresses no opinion as to the merits of this appeal. Counsel will be appointed by separate order.

The Clerk shall electronically serve this order on the appointing authority for the Northern 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](mailto:counselappointments@ca9.uscourts.gov) within 14 days of locating counsel.

The opening brief and excerpts of record are due January 29, 2019; the answering brief is due February 28, 2019; and the optional reply brief is due within 21 days after service of the answering brief.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL WOOTEN,  
Petitioner,  
v.  
WARREN L. MONTGOMERY,  
Respondent.

Case No. 16-cv-03755-VC

**ORDER RE CJA APPOINTMENT OF  
AND AUTHORITY TO PAY COURT-  
APPOINTED COUNSEL**

Re: Dkt. No. 18

The petitioner has satisfied the Court that he is financially unable to employ counsel and that the interests of justice require a court appointment. The attorney whose name and contact information are listed below is therefore appointed to represent the petitioner:

William Richard Such  
1120 College Avenue  
Palo Alto, California 94306  
650-857-0129  
rsuch@fdap.org

**IT IS SO ORDERED.**

Dated: March 8, 2017

  
VINCE CHHABRIA  
United States District Judge