

No. 20-\_\_\_\_\_

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

Alvin Christopher Penn

\_\_\_\_\_  
(Your Name)

— PETITIONER

VS.

United States

\_\_\_\_\_  
— RESPONDENT(S)

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*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

United States District Court for the Northern District of Texas

\_\_\_\_\_  
United States Court of Appeals for the Fifth Circuit  
\_\_\_\_\_

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: \_\_\_\_\_

\_\_\_\_\_, or

☒ a copy of the order of appointment is appended.



\_\_\_\_\_  
(Signature)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

ALVIN CHRISTOPHER PENN (1)

§  
§  
§  
§  
§

Case No. 3:17-cr-00506-L



**ORDER APPOINTING FEDERAL PUBLIC DEFENDER**

The Court, having considered the Financial Affidavit of the Defendant, the court finds that the Defendant is financially unable to obtain counsel, and

IT IS, THEREFORE, ORDERED pursuant to Title 18, United States Code, Section 3006A, that the Federal Public Defender for the Northern District of Texas is appointed as counsel of record for the above named Defendant. Such appointment shall be for all proceedings, including any appeal.

SIGNED this 15 day of November 2017

A handwritten signature in black ink, appearing to read "David L. Horan", written over a horizontal line.

DAVID L. HORAN  
UNITED STATES MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**ALVIN CHRISTOPHER PENN (01)**

§  
§  
§  
§  
§

**CRIMINAL DOCKET  
CASE NO. 3:17-CR-506-L**

**DEFENDANT'S NOTICE OF APPEAL**

Notice is hereby given pursuant to Rule 3 of the Federal Rules of Appellate Procedure that **ALVIN CHRISTOPHER PENN**, Defendant in the above-styled case, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the final judgment entered in this action on the 7<sup>th</sup> day of February, 2019.

Dated: February 7, 2019

/s/ Erin Brennan

ERIN BRENNAN  
Assistant Federal Public Defender  
Northern District of Texas  
Missouri Bar #61185  
525 Griffin Street, Suite 629  
Dallas, Texas 75202  
Phone (214) 767-2746  
Fax (214) 767-2886  
[erin\\_brennan@fd.org](mailto:erin_brennan@fd.org)

**CERTIFICATE OF SERVICE**

I certify that on February 7, 2019, a copy of the foregoing was filed through the Electronic Case Filing ("ECF") System. Pursuant to Rule 9 of Miscellaneous Order No. 60, this constitutes service of this document to the United States Attorney for the Northern District of Texas, who is an ECF user.

/s/ Erin Brennan

ERIN BRENNAN  
Assistant Federal Public Defender

Only attorneys admitted to the Bar of this Court may practice before the Court. **Each attorney representing a party must complete a separate form. (COMPLETE ENTIRE FORM).**

Fifth Cir. Case NO. 19-10168

United States of America

vs. Alvin Christopher Penn

(Short Title)

The Clerk will enter my appearance as Counsel for Alvin Christopher Penn

(Please list names of all parties represented, attach additional pages if necessary.)

**The party(s) I represent IN THIS COURT**

☐ Petitioner(s)

☐ Respondent(s)

☐ Amicus Curiae

☒ Appellant(s)

☐ Appellee(s)

☐ Intervenor

☒ I certify that the contact information below is current and identical to that listed in my Appellate Filer Account with PACER.

s/James Matthew Wright

(Signature)

matthew\_wright@fd.org

(e-mail address)

James Matthew Wright

(Type or print name)

TX 24058188

(State/Bar No.)

Assistant Federal Public Defender

(Title, if any)

☒ Male

☐ Female

Federal Public Defender

(Firm or Organization)

Address 500 Taylor Street, Suite 110

City & State Amarillo, TX

Zip 79101

Primary Tel. 806-324-2370

Cell Phone: \_\_\_\_\_

**NOTE:** When more than one attorney represents a single party or group of parties, counsel should designate a lead counsel. In the event the court determines oral argument is necessary, lead counsel **only** will receive via e-mail a copy of the court's docket and acknowledgment form. Other counsel must monitor the court's website for the posting of oral argument calendars.

**Name of Lead Counsel:** James Matthew Wright

A. Name of any Circuit Judge of the Fifth Circuit who participated in this case in the district or bankruptcy court.

B. Inquiry of Counsel. To your knowledge:

(1) Is there any case now pending in this court, which involves the same, substantially the same, similar or related issue(s)?

☐ Yes

☒ No

(2) Is there any such case now pending in a District Court (i) within this Circuit, or (ii) in a Federal Administrative Agency which would likely be appealed to the Fifth Circuit?

☐ Yes

☒ No

(3) Is there any case such as (1) or (2) in which judgment or order has been entered and the case is on its way to this Court by appeal, petition to enforce, review, deny?

☐ Yes

☒ No

(4) Does this case qualify for calendaring priority under 5th Cir. R. 47.7? If so, cite the type of case \_\_\_\_\_

If answer to (1), or (2), or (3), is yes, please give detailed information. Number and Style of Related Case: \_\_\_\_\_

Name of Court or Agency \_\_\_\_\_

Status of Appeal (if any) \_\_\_\_\_

Other Status (if not appealed) \_\_\_\_\_

**NOTE: Attach sheet to give further details.**

DKT-5A REVISED February 2017