

NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER 2020 TERM

RODNEY BERRYMAN – Petitioner

vs.

RON DAVIS – Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

[CAPITAL CASE]

SAOR E. STETLER*
Law Offices of Saor E. Stetler
P.O. Box 2189
Mill Valley, CA 94941
Telephone: (415) 388-8924
Email: saorstetler@me.com

Tim Brosnan, CA SBN 75938
Attorney at Law
P.O. Box 2294
Mill Valley, CA 94942
415-962-7967
timothy_brosnan@sonic.net

Attorneys for Petitioner
RODNEY BERRYMAN, Sr.
**Counsel of Record*

MOTION FOR LEAVE TO FILE *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's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding; and a copy of the appointment order is appended.

DATED: December 31, 2020

Respectfully submitted,

SAOR E. STETLER
TIMOTHY BROSNAN

/s/ Saor E. Stetler
SAOR E. STETLER

Attorneys for Petitioner Rodney Berryman, Sr.

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT FOR THE
7 EASTERN DISTRICT OF CALIFORNIA

8

9 RODNEY BERRYMAN, Sr.,) Case No. 1:95-cv-05309-AWI
10 Petitioner,) DEATH PENALTY CASE
11 vs.) ORDER APPOINTING COUNSEL
12 VINCENT CULLEN, as Acting Warden of)
13 San Quentin State Prison, *)
14 Respondent)

15 On January 15, 2010, judgment was entered in this action following the denial of all relief
16 requested in the petition of Rodney Berryman, Sr. (“Berryman”) for a writ of habeas corpus. On January
17 22, 2010, the Court entered an order modifying the final order. Berryman’s counsel of record, Charles
18 M. Bonneau and Jessie Morris, Jr., filed an ex parte request on January 28, 2010 to have their CJA
19 appointment in this case terminated and substitute counsel appointed. On February 2, 2010, the Court
20 referred this case to the Selection Board for the Eastern District of California to locate qualified and
21 available counsel to represent Berryman further in this case and any appeal taken from the judgment.
22 The next day, February 3, 2010, Mr. Bonneau, on behalf of Berryman, filed a Notice of Appeal with the
23 Ninth Circuit Court of Appeals. In a letter dated February 19, 2010, the Selection Board has
24 recommended two CJA attorneys to represent Berryman: Saor E. Stetler and Tim Brosnan. Both Messrs.
25 Stetler and Brosnan have considerable capital habeas corpus experience in California cases, including
26 in the Eastern District.

27
28

* Vincent Cullen is substituted for his predecessor, Robert K. Wong, as Acting Warden of San Quentin State Prison
95dp5309.OApptgCounsel4Appeal.Ber.wpd

1 FOR GOOD CAUSE, Saor E. Stetler and Tim Brosnan are appointed to represent Berryman in
2 all further proceedings before this Court. Messrs. Stetler and Brosnan are directed to complete a rate
3 justification worksheet. The worksheet can be found in Appendix A to the Court's Attorney Guide for
4 Budgeting Capital Habeas Corpus Cases. The Attorney Guide is available on the Court's web site at,
5 www.caed.uscourts.gov/caed.gov, under Fresno, Attorney Info, Forms, Case Management and Budgeting
6 in Capital Habeas Cases. Counsel should attach completed worksheets to their application (joint or
7 respective) to assign a compensation rate. In assigning a compensation rate, the Court will be guided
8 by the Judicial Council of the Ninth Circuit Amended CJA Capital Habeas Costs Policy (January 2010).
9 The CJA Costs Policy also is available on the Court's web site under Fresno, Attorney Info, Forms, CJA.
10 IT IS SO ORDERED.

11

12 DATE: February 22, 2010

13 /s/ Anthony W. Ishii

14 Anthony W. Ishii

15 United States District Judge

16

17

18

19

20

21

22

23

24

25

26

27

28