

No. _____

In the Supreme Court of the United States

TERRY ALLEN MILES,
Petitioner
VS

UNITED STATES OF AMERICA,
Respondent

**MOTION FOR PERMISSION TO FILE
IN FORMA PAUPERIS**

TO THE HONORABLE JUSTICES OF THE SUPREME COURT:

Now comes the petitioner in the above case and, pursuant to Rule 39 of the Rules of the Supreme Court, submits this request that he be allowed to proceed in forma pauperis. "If the court below appointed counsel for an indigent party, no affidavit or declaration is required, but the motion shall cite the provision of law under which counsel was appointed, or a copy of the order of appointment shall be appended to the motion... ." Fed. Sup. Ct. R. 39(1). In support hereof Petitioner would show the Court:

1. Petitioner was convicted in the United States District Court for the Western District of Texas, Austin Division. In that proceeding he was represented by the Federal Public Defenders Office.

2. On appeal to the United States Court of Appeals for the Fifth Circuit the undersigned counsel was appointed to represent Petitioner pursuant to the Criminal Justice Act, 18 USC 3006A.

3. “The Fifth Circuit’s Plan Under the Criminal Justice Act for Representation on Appeal provides that, following an adverse decision on appeal, appointed counsel must “promptly advise defendant in writing of the right to seek further review by the filing of a petition for writ of certiorari.” If the defendant requests counsel to file for certiorari in writing, counsel shall timely file a petition for the writ.”

Practitioners’ Guide to the United States Court of Appeals for the Fifth Circuit, December 2020, p. 9, at

<https://www.ca5.uscourts.gov/docs/default-source/forms-and-documents--clerks-office/documents/practitionersguide.pdf>.

4. Petitioner has been incarcerated since January 3, 2018 and he has no funds upon which to use for this proceeding.

5. Petitioner has requested counsel to file the petition for writ of certiorari contemporaneously filed with this request.

6. Appended as Exhibit 1 is the December 3, 2019 letter appointing counsel.¹

Wherefore, Premises Considered, Petitioner requests that he be permitted to proceed in forma pauperis pursuant to Rule 39 of the Rules of the Supreme Court.

Respectfully submitted,



RONALD L. GORANSON

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(214) 871-0620 (fax)

State Bar No. 08195000

Email – rlgatty@aol.com

Attorney for Petitioner Miles

¹ The order attached to the letter granted Petitioner's request to terminate the Federal Public Defenders Office and granted Petitioner's request for new counsel, but did not name counsel.

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the Petition for Certiorari was sent by United States mail on February 5, 2021 to:

1. Assistant United States Attorney John F. Bash
Western District of Texas
601 N.W. Loop 410, Suite 600
San Antonio, Texas. 78216

and

2. Solicitor General of the United States
Room 5616, Department of Justice
950 Pennsylvania Ave., N. W.
Washington, DC 20530-0001


RONALD L. GORANSON

Exhibit 1

Letter Appointing Counsel at the Fifth Circuit

Exhibit 1

Letter Appointing Counsel at the Fifth Circuit

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

December 03, 2019

Mr. Ronald L. Goranson
2828 Routh Street
Suite 850, LB 10
Dallas, TX 75201-0000

No. 19-50466 USA v. Terry Miles
USDC No. 1:18-CR-39-1

Dear Mr. Goranson,

Enclosed is a copy of the court's order appointing you as counsel under the Criminal Justice Act. Information regarding your compensation and expense voucher will be provided separately. You must complete the voucher when the appeal concludes. You can obtain a copy of our Plan for Representation on Appeal Under the Criminal Justice Act, listing the duties and responsibilities of court-appointed counsel from the Fifth Circuit's website "<http://www.lb5.uscourts.gov/cja/cjaDocs/cja.pdf>".

Please carefully read and within 15 days from this date comply with the applicable instructions stated below.

ATTENTION ATTORNEYS: Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at <http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-of-cm>. Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

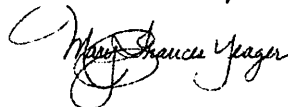
You must complete a transcript order form, which can be obtained from the court's website www.ca5.uscourts.gov. You are required

to electronically file the form via the 5th Circuit's Electronic Document Filing System even if the form was filed with the district court, and make financial arrangements with the court reporter. When completed, this meets your obligation to order the necessary portions of the court reporter's transcript, see FED. R. APP. P. 10(b). (If you are pro se and unable to afford payment, you must file a motion with the district court requesting transcript at government expense, and notify this court.) We will coordinate the transcript deadlines with the court reporter. The court reporter should contact you directly if an extension of time to file the transcript is granted. Failure to complete the transcript order form and make financial arrangements with the court reporter within 15 days will result in dismissal of the appeal in accordance with the rules.

We have removed the Federal Public Defender from our docket as counsel for appellant. We will not send further orders, correspondence, etc. regarding this appeal.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script, appearing to read "Mary Frances Yeager".

By:
Mary Frances Yeager, Deputy Clerk
504-310-7686

cc w/encl:

Mr. Bradford W. Bogan
Ms. Jeannette Clack, Clerk
Ms. Maureen Scott Franco
Mr. Joseph H. Gay Jr.

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 19-50466

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TERRY ALLEN MILES,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas

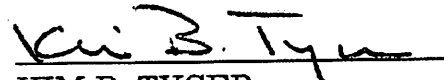
O R D E R:

Terry Allen Miles moves to dismiss the Federal Public Defender's Office (FPD) from representing him in this direct criminal appeal. He alleges that the two FPD counsel who represented him at trial committed serious violations of the attorney-client relationship involving duties of loyalty and confidentiality. Miles has sued his prior FPD counsel and is presently appealing the dismissal of that suit before this court. Bradford Bogan, the FPD currently appointed to represent Miles on appeal, concurs with Miles's request, averring that the conflict between Miles and his prior FPD counsel disqualifies the entire FPD office under Texas's rules of attorney conduct.

Appointed counsel "may be relieved upon a showing that there is a conflict of interest or other most pressing circumstances or that the interests of justice otherwise require relief of counsel." FIFTH CIRCUIT PLAN UNDER THE

CRIMINAL JUSTICE ACT, § 5(B). The interests of justice require the relief of counsel in this case. Therefore, Miles's motion to withdraw the FPD as counsel and to appoint new counsel on appeal is GRANTED.

FOR THE COURT:


KIM B. TYCER
DEPUTY CLERK