

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

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IN THE  
SUPREME COURT OF THE UNITED STATES

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UNITED STATES OF AMERICA - RESPONDENT

VS

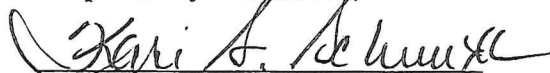
GAVIN WAYNE WRIGHT - PETITIONER

ON PETITION FOR WRIT OF CERTIORARI TO  
UNITED STATES COURT OF APPEALS FOR TENTH CIRCUIT

**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 courts: United States District Court for the District of Kansas, United States Court of Appeals for the Tenth Circuit. A copy of the Order of the United States Court of Appeals for the Tenth Circuit appointing counsel is attached, in accordance with Rule 39.1 of this Court.

Respectfully submitted,



Kari S. Schmidt, #11524  
Conlee Schmidt & Emerson LLP  
200 W. Douglas, Suite 300  
Wichita, Kansas 67202  
Phone: (316) 264-3300  
Fax: (316) 264-3423  
Email: karis@fcse.net

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

February 19, 2019

Elisabeth A. Shumaker  
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

No. 19-3035

GAVIN WAYNE WRIGHT,

Defendant - Appellant.

ORDER

Before **TYMKOVICH**, Chief Circuit Judge.

This matter comes on for consideration of the *Motion to Continue CJA Appointment on Appeal* filed by Kari S. Schmidt, counsel for Appellant Gavin Wayne Wright. Upon consideration thereof, the motion is granted.

The district court has made the requisite finding of eligibility for appointment of counsel under 18 U.S.C. § 3006A. Ms. Schmidt is appointed counsel nunc pro tunc from the date the notice of appeal was filed in this court. The court notes that Tyler J. Emerson has also entered an appearance on behalf of Mr. Wright. Only Ms. Schmidt is appointed counsel under 18 U.S.C. § 3006A. Mr. Emerson may assist in the preparation of pleadings, but only Ms. Schmidt may file a CJA voucher and the maximum compensation allowed is the maximum set forth in the Criminal Justice Act. *See Guide to Judiciary Policy*, Vol. 7, Defender Services, Part A Guidelines for Administering the

CJA and Related Statutes, Chapter 2: Appointment and Payment of Counsel, §  
230.53.10(a), (b).

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

by: Ellen Rich Reiter  
Jurisdictional Attorney

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
OFFICE OF THE CLERK**

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Elisabeth A. Shumaker  
Clerk of Court

February 19, 2019

Chris Wolpert  
Chief Deputy Clerk

Ms. Kari S. Schmidt  
Conlee, Schmidt & Emerson  
200 West Douglas Avenue, Suite 300  
Wichita, KS 67202

**RE: 19-3035, United States v. Wright**  
Dist/Ag docket: 6:16-CR-10141-EFM-3

Dear Counsel:

You have been appointed as counsel for appellant under the Criminal Justice Act, 18 U.S.C. 3006A. The order appointing you has been docketed in the above-referenced appeal.

Effective July 20, 2015, all Tenth Circuit Appellate Criminal Justice Act ("CJA") vouchers must be prepared and submitted electronically via eVoucher. eVoucher is a nationally-supported, web-based solution for the preparation, submission, monitoring and approval of CJA vouchers. The Tenth Circuit's eVoucher database can be accessed by clicking here, or by pasting the following URL into your web browser:

[https://evsdweb.ev.uscourts.gov/CJA\\_c10\\_prod/CJAeVoucher/](https://evsdweb.ev.uscourts.gov/CJA_c10_prod/CJAeVoucher/)

**For eVoucher Technical Support** please review the Court's eVoucher Resources Page (<http://www.ca10.uscourts.gov/cja/evoucher>), or contact the Clerk's Office at (303) 844-3157 or [eVoucher@ca10.uscourts.gov](mailto:eVoucher@ca10.uscourts.gov).

**For substantive questions regarding the content of a voucher, required documentation, and related issues** please consult the Court's CJA Policies and Procedures Webpage (<http://www.ca10.uscourts.gov/cja/tenth-circuit-and-national-cja-policies-and-procedures>), or contact a CJA case analyst at (303) 844-5306 or [CJA\\_Vouchers@ca10.uscourts.gov](mailto:CJA_Vouchers@ca10.uscourts.gov).

If an adverse decision is rendered you must advise your client of the right to seek review of this court's decision by petition for writ of certiorari. If the client requests, and you believe a petition for writ of certiorari to be legally sound, you must file one with the

Clerk of the Supreme Court of the United States. *See* Criminal Justice Act Plan, 10th Cir. R., Addendum I. If you claim compensation on the CJA 20 voucher for services rendered in petitioning for certiorari, you must attach a PDF copy of the petition in the "Documents" tab of your electronic voucher.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

Elisabeth A. Shumaker  
Clerk of the Court

cc: Risa Berkower  
Tovah Calderon  
David P. Cora  
Mary J. Hahn  
Anthony W. Mattivi  
Christine A. Monta  
Danielle Tarin

EAS/mlb