

No. _____

In the Supreme Court of the United States

ELIJAH DWAYNE JOUBERT,
Petitioner,

v.

STATE OF TEXAS,
Respondent.

**On Petition for a Writ of Certiorari to the
Court of Criminal Appeals of Texas**

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Petitioner, Elijah Dwayne Joubert, seeks leave to file the attached Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis* in accordance with Supreme Court Rule 39, and Title 18, U.S.C. § 3006A(d)(6).

The United States District Court for the Southern District of Texas granted Mr. Joubert's request for leave to proceed *in forma pauperis* and appointed Alexander Lee Calhoun to represent Mr. Joubert pursuant to 18 U.S.C. § 3599(a)(2). Order, ECF No. 4, *Joubert v. Stephens*, No. 4:13-cv-3002 (S.D. Tex. Nov. 4, 2013). Mr. Calhoun later withdrew, and the district court appointed Tivon Schardl, Supervising Assistant Federal Public Defender of the Capital Habeas Unit for the Western District of Texas as Mr. Joubert's counsel. Order, ECF No. 52, *Joubert v. Davis*, (S.D. Tex. Dec. 4, 2017).

In state court, Mr. Joubert also was appointed counsel due to indigency. *See* Ex. A (Order, Jan. 31, 2017).

The filing of this petition is the continuation of counsel's representation of Mr. Joubert under the 18 U.S.C. § 3599(a)(2) appointment. *See* 18 U.S.C. § 3599(e) ("[e]ach attorney so appointed shall represent the defendant throughout every subsequent stage of available judicial proceedings, including ... applications for writ of certiorari to the Supreme Court of the United States"). In accordance with Supreme Court Rule 39, no affidavit declaring Mr. Joubert's indigency is required.

WHEREFORE, Petitioner, Elijah Dwayne Joubert, seeks leave to proceed *in forma pauperis*.

Respectfully submitted this 22nd day of November 2021,

MAUREEN FRANCO
Federal Public Defender
Western District of Texas

/s/ Tivon Schardl
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