

No. \_\_\_\_\_  
(Capital Case)

In the  
Supreme Court of the United States

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*GARY GREEN, Petitioner*

v.

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*BOBBY LUMPKIN, Respondent*

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**On Petition for Writ of Certiorari to the  
United States Court of Appeals  
for the Fifth Circuit**

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**MOTION FOR LEAVE TO PROCEED  
*IN FORMA PAUPERIS***

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Green files this Motion for Leave to Proceed *in Forma Pauperis*:

**Motion**

1. This motion meets the requirements of Supreme Court Rule 39. Green seeks *in forma pauperis* status for these proceedings.
2. On March 8, 2016, undersigned counsel Michael Mowla was appointed as lead counsel under 18 U.S.C. § 3599. *See Green v. Davis*, 414 F.Supp.3d 892 (N.D.Tex. Sep. 27, 2019) (No. 3:15-CV-02197-M, Dkt. 3) (attached).
3. Green remains on death row. To undersigned counsel's knowledge, Green is indigent and has been since counsel began representing him. Undersigned counsel remains CJA counsel for Green and asks that Green be allowed to continue under *in forma pauperis* status for the proceedings before this Court.

## Conclusion

Counsel for Petitioner Green prays that the Court grant this Motion for Leave to Proceed *In Forma Pauperis* and allow Green to continue under *in forma pauperis* status before this Court.

Respectfully submitted,

**Michael Mowla**  
P.O. Box 868  
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[michael@mowlalaw.com](mailto:michael@mowlalaw.com)  
Counsel of Record

  
/s/ Michael Mowla  
**Michael Mowla**

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**

JUL 28 2015

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy *[Signature]*

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

GARY GREEN,

*Petitioner,*

V.

WILLIAM STEPHENS, Director,  
Texas Department of Criminal Justice  
Correctional Institutions Division,

*Respondent.*

Civil Action No. 3:15-CV-02197-M

(Death Penalty Case)

**ORDER APPOINTING COUNSEL**

On June 30, 2015, **Gary Green** (“Petitioner”) filed a motion for appointment of counsel and application to proceed in forma pauperis. (ECF No. 1.) Having reviewed the motion and application, the Court finds that Petitioner is entitled to proceed in forma pauperis and to the appointment of counsel by the provisions of 18 U.S.C. § 3599(a)(2). *See McFarland v. Scott*, 512 U.S. 849, 855-58 (1994). The Court further finds that attorney **Michael Mowla** possesses the background, knowledge, and experience to enable him to represent Petitioner with due consideration to the seriousness of the possible penalty and the unique and complex nature of the litigation, and is qualified and willing to accept this appointment as lead counsel.

Petitioner’s motion for appointment of counsel and application to proceed in forma pauperis (ECF No. 1) are **GRANTED** to the extent that attorney **Michael Mowla** is appointed as lead counsel to represent Petitioner in this cause.

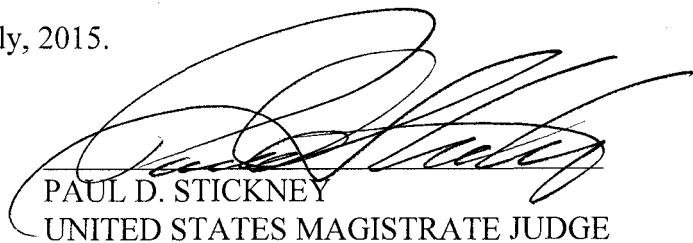
Appointed counsel are entitled to compensation (currently at the rate of \$181.00/hour) in accordance with Volume VII, Part A, Chapter 6, of the *Guide to Judiciary Policy*, which Counsel

is directed to read along with the instructions for forms CJA 30 and CJA 31 in order to ensure proper compensation for time and expenses incurred herein, and the presumptive limits contained in the *Special Procedures for Reviewing Attorney Compensation Requests in Death Penalty Cases* by the Judicial Council of the Fifth Circuit. Counsel are also advised of the requirement of pre-approval for the use of associate counsel under the Criminal Justice Act (CJA) plan adopted by this district.<sup>1</sup> Counsel shall be entitled to interim payments for services rendered in this cause.

A copy of this order and CJA 30 forms shall be provided to appointed counsel at the following address:

LEAD COUNSEL **Michael Mowla**  
Michael Mowla PLLC  
445 E. F.M. 1382 #3-718  
Cedar Hill, TX 75104  
972/795-2401  
972/692-6636 (fax)  
michael@mowlalaw.com

**SO ORDERED** on this 28 day of July, 2015.

  
PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>The CJA plan provides that “An appointed counsel may not claim compensation for services furnished by a partner or associate, or counsel who is not a partner or associate, without prior authorization by the court.” *See* Misc. Order 3 at VIII(B) (N.D.Tex. Sep. 15, 2000).