

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

GLEN E. SEALS, *Petitioner*,
v.
DARREL VANNOY, WARDEN, LOUISIANA STATE PENITENTIARY, *Respondent*.

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

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Dated: December 10, 2021

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner Glen Seals, through undersigned counsel, respectfully seeks leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*, pursuant to Supreme Court Rule 39.1.

Petitioner is indigent. He was previously declared indigent, granted leave to proceed *in forma pauperis*, and appointed C.J.A. counsel in the United States Court of Appeals for the Fifth Circuit. See Appendix A. Undersigned counsel was appointed for Petitioner in the United States Court of Appeals for the Fifth Circuit under the Criminal Justice Act, 18 U.S.C. § 3006A. See Appendix A.

Undersigned counsel hereby certifies that Petitioner is currently incarcerated and has been for over 30 years, and that he remains indigent at present. Petitioner requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted,



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Dated: December 10, 2021

Appendix A

United States Court of Appeals
for the Fifth Circuit

No. 19-30447

GLEN SEALS,

Petitioner—Appellant,

versus

DARREL VANNOY, *Warden*, LOUISIANA STATE PENITENTIARY,

Respondent—Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana

ORDER

Glen Seals, Louisiana prisoner # 263204, moves this court for leave to proceed in forma pauperis (IFP) on appeal, the appointment of current pro bono counsel as counsel under the Criminal Justice Act (CJA), and a certificate of appealability (COA) to challenge the district court's denial of his 28 U.S.C. § 2254 petition. In his § 2254 petition, Seals challenged his second degree murder conviction. Seals now seeks a COA to appeal the district court's rejection of his claims of *Batson v. Kentucky*, 476 U.S. 79 (1986), violations and his claim that his charging document was tainted by discrimination. Seals also contends that the district court should have held an evidentiary hearing to consider his challenge to the charging document. Although Seals raised other claims in the district court, he does not present

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them here. Those claims are thus abandoned. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

A COA will issue if Seals makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). This standard is satisfied when a COA applicant shows that reasonable jurists would find the district court’s decision to deny relief debatable or wrong, *see Slack*, 529 U.S. at 484, or “that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further,” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Seals has shown that reasonable jurists could debate the district court’s resolution of his *Batson* claims. Accordingly, a COA is GRANTED as to Seals’s *Batson* claims.

Next, Seals has not shown that reasonable jurists could debate the district court’s resolution of his claim that his charging document was tainted by discrimination. Accordingly, a COA is DENIED as to that issue. *See Slack*, 529 U.S. at 484.

Finally, Seals’s motions for leave to proceed IFP on appeal and the appointment of Cecelia Trenticosta Kappel as counsel under the CJA are GRANTED. The Clerk of Court is DIRECTED to establish a briefing schedule and include the respondent.

/s/Jennifer Walker Elrod
JENNIFER WALKER ELROD
United States Circuit Judge