

No. _____

In the Supreme Court of the United States

October Term 2021

WILLIAM SPEER,

Petitioner,

v.

BOBBY LUMPKIN, Director,
Texas Department of Criminal
Justice, Correctional Institutions
Division,

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*

JOHN NICKELSON
Nickelson Law PLLC
7591 Fern Ave., Suite 1403
Shreveport, LA 71105

MAUREEN FRANCO
Federal Public Defender
Western District of Texas
TIVON SCHARDL
Chief, Capital Habeas Unit
JOSHUA FREIMAN*
DONNA F. COLTHARP
Assistant Federal Public Defenders
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Austin, Texas 78701
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*Counsel of Record

Petitioner, William Speer, 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).

On April 10, 2015, the United States District Court for the Eastern District of Texas appointed John Nickelson as Mr. Speer’s counsel pursuant to 18 U.S.C. § 3599(a)(2). The same court then appointed the Federal Public Defender for the Western District of Texas as co-counsel, pursuant to the same provision of law on June 17, 2016.

The filing of this petition is the continuation of counsel’s representation of Mr. Speer 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. Speer’s indigency is required.

WHEREFORE, Petitioner, William Speer, seeks leave to proceed *in forma pauperis*.

Respectfully submitted this 4th day of February 2022,

/s/ Joshua Freiman
JOSHUA FREIMAN
Assistant Federal Public Defender
Counsel of Record for Petitioner
Member of Supreme Court Bar

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WILLIAM SPEER §
VS. § CIVIL ACTION NO. 2:04cv269
DIRECTOR, TDCJ-CID §

ORDER

On March 30, 2015, the Fifth Circuit remanded the present case in part with instructions “to appoint supplemental counsel” and “to consider in the first instance whether Speer can establish cause and prejudice for the procedural default of any ineffective-assistance-of-trial-counsel claims pursuant to *Martinez* and *Trevino* that he may raise, and if so, whether those claims merit relief.” *Speer v. Stephens*, ___ F.3d ___, 2015 WL 1449798, at *2 (5th Cir. 2015). It is therefore

ORDERED that John C. Nickelson, Nickelson Law PLLC, 400 Travis Street, Suite 330, Shreveport, LA 71101, is appointed as supplemental counsel. It is further

ORDERED that Speer has until October 9, 2015, to file a brief addressing the ineffective-assistance-of-trial-counsel claim in accordance with the instructions by the Fifth Circuit. It is further

ORDERED that the Director has ninety days from the filing of Speer’s brief to file a response. It is finally

ORDERED that Speer has thirty days from the filing of a response to file a reply.

SIGNED this 10th day of April, 2015.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

WILLIAM SPEER	§	
VS.	§	CIVIL ACTION NO. 2:04CV269
DIRECTOR, TDCJ-CID	§	DEATH PENALTY CASE

ORDER

Before the Court is Petitioner William Speer's motion for appointment of co-counsel. The motion is reasonable. It is therefore

ORDERED that Deputy Federal Public Defender Donna Coltharp is appointed to represent Petitioner William Speer in these proceedings as co-counsel to John Nickelson.

SIGNED this 6th day of August, 2018.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE