

No. _____

IN THE
Supreme Court of the United States

TRACY LANE BEATTY,

Petitioner,

v.

BOBBY LUMPKIN, DIRECTOR, CORRECTIONAL INSTITUTIONS
DIVISION, TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Respondent.

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

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

JASON D. HAWKINS
Federal Public Defender

Jeremy Schepers (#304861)
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IN THE
Supreme Court of the United States

TRACY LANE BEATTY,

Petitioner,

v.

BOBBY LUMPKIN, DIRECTOR, CORRECTIONAL INSTITUTIONS DIVISION,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner asks for leave to file the attached petition for a writ of certiorari without prepayment of fees and to proceed *in forma pauperis*.

Petitioner is currently incarcerated at the Texas Department of Criminal Justice's Polunsky Unit in Livingston, Texas. He has previously sought and been granted leave to proceed *in forma pauperis* in the following courts:

- the United States District Court for the Eastern District of Texas;
- the United States District Court for the Southern District of Texas; and
- the United States Court of Appeals for the Fifth Circuit.

Petitioner's affidavit or declaration of indigency is not attached because the court below appointed counsel pursuant to 18 U.S.C. § 3599. A copy of the appointment order is appended.

DATED: November 7, 2022

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Respectfully submitted,

JASON D. HAWKINS
Federal Public Defender

by

/s/ Jeremy Schepers
Jeremy Schepers (#304861)
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Counsel for Tracy Lane Beatty

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

TRACY BEATTY, #999484,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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CIVIL ACTION NO. 4:09-CV-225

DEATH PENALTY

Execution Date: November 9, 2022

ORDER APPOINTING CO-COUNSEL

Pending before the Court is Petitioner’s Unopposed Motion to Appoint Co-Counsel (Dkt. #69). Current counsel, Scott Smith, explains that Petitioner is scheduled to be executed on November 9, 2022. He requests the appointment of co-counsel to assist him with the requirements of his appointment under 18 U.S.C. § 3599 in pursuing remedies that are still available to Petitioner. He asks that the Federal Public Defender for the Northern District of Texas, Capital Habeas Unit, be appointed as co-counsel. The Federal Public Defender for the Northern District of Texas is agreeable to representing Petitioner as co-counsel. The request is reasonable.

It is therefore **ORDERED** that Petitioner’s Unopposed Motion to Appoint Co-Counsel (Dkt. #69) is **GRANTED** and the Federal Public Defender for the Northern District of Texas, Capital Habeas Unit, is appointed as co-counsel to represent Petitioner under 18 U.S.C. § 3599.

It is further **ORDERED** that the Clerk of Court is directed to email a copy of this Order to:


Jason D. Hawkins
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And:

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Jeremy.Schepers@fd.org

It is finally **ORDERED** that the Federal Public Defender assigned to represent Petitioner as co-counsel shall file a Notice of Appearance of Co-Counsel within seven days of the receipt of this Order.

So ORDERED and SIGNED this 9th day of August, 2022.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE