

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

FELIPE NEVAREZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Felipe Nevarez, moves this Court for leave to proceed *in forma pauperis* on his Petition for a Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit pursuant to Supreme Court Rule 39.1. Counsel was appointed by the Tenth Circuit under the Criminal Justice Act to represent Petitioner on appeal. *See* attached Order.

WHEREFORE, because Petitioner is indigent and counsel has been appointed to represent him on appeal pursuant to the Criminal Justice Act, Petitioner moves this Court for an order allowing Petitioner to proceed *in forma pauperis*.

DATED this 17th day of March, 2023.

Respectfully Submitted,



James L. Hankins, Okla. Bar No. 15506
MON ABRI BUSINESS CENTER
2524 N. Broadway
Edmond, Oklahoma 73034
Telephone: 405.753.4150
Facsimile: 405.445.4956
E-mail: jameshankins@ocdw.com

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 30, 2021

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FELIPE NEVAREZ,

Defendant - Appellant.

No. 21-1286
(D.C. No. 1:19-CR-00271-REB-JMC-1)
(D. Colo.)

ORDER

Before TYMKOVICH, Chief Circuit Judge.

This matter is before the court on attorney Richard K. Kornfeld's *Motion to Withdraw*, in which Mr. Kornfeld seeks leave to withdraw as counsel for appellant Felipe Nevarez and requests that the court appoint new counsel for purposes of this appeal. The district court made the requisite finding of eligibility for the appointment of counsel pursuant to the Criminal Justice Act (CJA). Upon consideration and as discussed in greater detail below, the court: (1) grants the motion to withdraw; and (2) appoints CJA Panel member James L. Hankins to represent Mr. Nevarez going forward. *See* 18 U.S.C. § 3006A.

First, pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, the court appoints Mr. Kornfeld to represent Mr. Nevarez, effective *nunc pro tunc* to the date Mr. Kornfeld filed the notice of appeal on Mr. Nevarez's behalf and ending with the entry of this order.

Mr. Kornfeld shall have no continuing obligations in this appeal except to: (a) ensure that he has made appropriate arrangements through the district court's eVoucher system for payment of the transcripts he ordered for purposes of this appeal; (b) forward to substitute counsel any materials in his possession that are pertinent to this appeal; and (c) transmit a copy of this order to Mr. Nevarez.

Second, the court appoints Mr. Hankins to represent Mr. Nevarez going forward.

See 18 U.S.C. § 3006A. Mr. Hankins' contact information is:

James L. Hankins
MON ABRI BUSINESS CENTER
2524 N. Broadway
Edmond, OK 73034
Phone: 405.753.4150
Fax: 405.445.4956
E-mail: jameshankins@ocdw.com
Web: www.ocdw.com

On or before September 9, 2021, Mr. Hankins shall enter an appearance in this appeal on behalf of Mr. Nevarez.

Mr. Kornfeld filed both a transcript order form and a designation of record. If warranted, Mr. Hankins shall file—on or before September 20, 2021: (1) a supplemental transcript order form; and/or (2) a supplemental designation of record. If Mr. Hankins orders any additional transcripts, he must file a CJA 24 form in the U.S. District Court for the District of Colorado and direct any questions regarding the filing of that form to the district court Clerk's Office.

The district court shall wait until at least September 21, 2021 before transmitting the record on appeal. Mr. Nevarez's opening brief will be due 40 days from the date the record on appeal is filed in this court. *See* Fed. R. App. P. 31; 10th Cir. R. 11.2(A).

The court directs its Clerk to transmit a copy of this order to the Clerk of the U.S. District Court for the District of Colorado.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



by: Lisa A. Lee
Counsel to the Clerk