

No. ____ - ____

In the
Supreme Court of the United States

BRADLEY ROSS FAIRBOURN,

Petitioner,

v.

NEICOLE MORDEN,
Warden of the Wyoming State Penitentiary, and the
WYOMING ATTORNEY GENERAL,

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Rule 39 of the Supreme Court Rules, Petitioner Bradley Ross Fairbourn, by and through his undersigned counsel, hereby respectfully seeks leave to file the accompanying Petition for a Writ of Certiorari to the United States Court of Appeals to the Tenth Circuit without prepayment of costs and to proceed *in forma pauperis*. In support of this Motion, Petitioner, through counsel, states as follows:

1. The United States District Court for the District of Wyoming granted Mr. Fairbourn's motion to proceed *in forma pauperis* in connection with his appeal to the United States Court of Appeals for the Tenth Circuit. (App. 36.)
2. The Tenth Circuit, in turn, appointed the undersigned counsel to represent Petitioner below in Case Number 22-8005, pursuant to the Criminal Justice Act, 18

U.S.C. § 3006A(d)(6). The appointment continues through the filing of a Petition for a Writ of Certiorari.

3. Petitioner remains indigent and incarcerated at the Wyoming State Penitentiary, PO Box 400, Rawlins, WY 82301-0400, WDOC Inmate No. 31952.

Respectfully submitted this 19th day of July 2023:



Gregory W. Stevens
Counsel of Record
(Appointed Under the Criminal Justice Act

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 23, 2022

Christopher M. Wolpert
Clerk of Court

BRADLEY ROSS FAIRBOURN,

Petitioner - Appellant,

v.

MICHAEL HARLOW, Warden of the
Wyoming State Penitentiary, et al.,

Respondents - Appellees.

No. 22-8005
(D.C. No. 0:21-CV-00166-KHR)
(D. Wyo.)

ORDER

Before **MATHESON** and **BACHARACH**, Circuit Judges.

This matter is before the court on the *Motion for Leave to Withdraw Under 10th Cir. R. 46.4 and for the Court to Appoint New Counsel* filed by attorney Cole L.

Gustafson, who is retained counsel for Appellant Bradley Ross Fairbourn. The district court has granted Appellant *in forma pauperis* status on appeal, rendering him financially eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C.

§ 3006A. Upon consideration and as set forth below, the court: (1) grants the motion to withdraw; and (2) appoints CJA Panel member Gregory W. Stevens as new counsel to represent Appellant.

First, Mr. Gustafson shall have no continuing obligations in this appeal except to:

(a) within ten days from the date of this order, forward to substitute counsel any materials

in his possession that are pertinent to this appeal and not otherwise available via PACER and/or CM/ECF; and (b) promptly transmit a copy of this order to Appellant.

Second, the court appoints Mr. Stevens as new counsel to represent Appellant. *See* 18 U.S.C. § 3006A. Mr. Stevens's contact information is:

Gregory W. Stevens
2825 East Cottonwood Parkway
Suite 500
Salt Lake City, UT 84121-7060
Office: 801-990-3388
Email: utlaw@aol.com

Within ten days from the date of this order, Mr. Stevens shall enter an appearance in this appeal on behalf of Appellant.

Because Mr. Stevens has been appointed under the Criminal Justice Act, this appeal will proceed on a designated record on appeal. *See* 10th Cir. R. 10.1; 10.3(A); and 11.2(A). Within 20 days from the date of this order, Mr. Stevens shall file with the district court a transcript order form and a designation of record. Copies of those filings shall also be filed in this court. Appellant's opening brief shall be due 40 days from the date the record on appeal is filed in this court. *See* Fed. R. App. P. 31.

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 Wyoming.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



By: Candice Manyak
Counsel to the Clerk