

23-5563

ORIGINAL

No. \_\_\_\_\_

9-423

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CJD

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

SEP 04 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

CHRISTOPHER J. DERTING — PETITIONER  
(Your Name)

VS.

SECRETARY, DEPT. OF CORRS., et al — RESPONDENT(S)

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

11<sup>TH</sup> CIRCUIT COURT OF APPEALS, UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA, FOURTH JUDICIAL CIRCUIT COURT DUVAL COUNTY FL.

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☒ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: \_\_\_\_\_

\_\_\_\_\_, or

☒ a copy of the order of appointment is appended.

(Signature)

RECEIVED

AUG 17 2023

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SEP 12 2023

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SUPREME COURT, U.S.

8-8-23

EG CJD

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 20-11237-DD

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CHRISTOPHER JOHN DERTING,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,  
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Middle District of Florida

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ORDER:

Christopher Derting, a Florida prisoner proceeding *pro se*, is serving a 30-year sentence as a habitual felony offender for sale or delivery of cocaine. Derting filed a 28 U.S.C. § 2254 petition, which the district court denied, and this Court granted him a certificate of appealability ("COA"), as well as leave to proceed on appeal *in forma pauperis* ("IFP"). He now moves for appointment of counsel, and the interests of justice warrant appointment of counsel. See *Schultz v. Wainwright*, 701 F.2d 900, 901 (11th Cir. 1983).

Accordingly, Derting's motion for appointment of counsel is GRANTED. Counsel will be appointed by a separate order.

  
UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 20-11237-DD  
\_\_\_\_\_

CHRISTOPHER JOHN DERTING,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,  
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Middle District of Florida  
\_\_\_\_\_

ORDER:

Appellant's motion for appointment of counsel having been granted by order dated November 17, 2020, the Court hereby appoints the following attorney as counsel for the appellant:

Donna Duncan  
PO Box 157  
80 Market Street  
Apalachicola, FL 32329  
(850) 653-8976

/s/ Charles R. Wilson  
UNITED STATES CIRCUIT JUDGE

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

December 01, 2020

Donna Duncan  
Sanders & Duncan, PA  
PO BOX 157  
APALACHICOLA, FL 32329-0157

Appeal Number: 20-11237-DD  
Case Style: Christopher Derting v. Secretary, Department of Corr., et al  
District Court Docket No: 3:17-cv-01315-BJD-MCR

Party To Be Represented: Christopher John Derting

Dear Counsel:

We are pleased to advise that you have been appointed to represent on appeal the indigent litigant named above. This work is comparable to work performed pro bono publico. The fee you will receive likely will be less than your customary one due to limitations on the hourly rate of compensation contained in the Criminal Justice Act (18 U.S.C. § 3006A), and consideration of the factors contained in Addendum Four § (g)(1) of the Eleventh Circuit Rules.

Supporting documentation and a link to the CJA eVoucher application are available on the internet at <http://www.ca11.uscourts.gov/attorney-info/criminal-justice-act>. **For questions concerning CJA eVoucher please contact our CJA Team by email at [cja\\_evoucher@ca11.uscourts.gov](mailto:cja_evoucher@ca11.uscourts.gov) or phone 404-335-6167.** For all other questions, please call the "Reply To" number shown below.

Every motion, petition, brief, answer, response and reply filed must contain a Certificate of Interested Persons and Corporate Disclosure Statement (CIP). Appellants/Petitioners must file a CIP within 14 days after the date the case or appeal is docketed in this court; Appellees/Respondents/Intervenors/Other Parties must file a CIP within 28 days after the case or appeal is docketed in this court, regardless of whether appellants/petitioners have filed a CIP. See FRAP 26.1 and 11th Cir. R. 26.1-1.

On the same day a party or amicus curiae first files its paper or e-filed CIP, that filer must also complete the court's web-based CIP at the Web-Based CIP link on the court's website. Pro se

filers (except attorneys appearing in particular cases as pro se parties) are **not required or authorized** to complete the web-based CIP.

Eleventh Circuit Rule 31-1 requires that APPELLANT'S BRIEF BE SERVED AND FILED ON OR BEFORE JANUARY 11, 2021. APPELLANT'S APPENDIX MUST BE SERVED AND FILED NO LATER THAN 7 DAYS AFTER FILING OF THE APPELLANT'S BRIEF.

This is the only notice you will receive concerning the due date for filing briefs and appendices. See Fed.R.App.P. 28, 30, 31, 32, the corresponding circuit rules, General Order 39 and the Guide to Electronic Filing for further information. Pro se parties who are incarcerated are not required to file an appendix.

Your claim for compensation under the Act should be submitted within 60 days after issuance of mandate or filing of a certiorari petition. Thank you for accepting this appointment under the Criminal Justice Act.

Attorneys must file briefs electronically using the ECF system. Use of ECF does not modify the requirements of the circuit rules that counsel must also provide seven (7) paper copies of a brief to the court, nor does it modify the requirements of the circuit rules for the filing of appendices in a particular case.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Bradly Wallace Holland, DD  
Phone #: 404-335-6181

Enclosure(s)

CJA-1A Appointment of Counsel ltr Brief