

No. _____

In the Supreme Court of the United States

October Term 2023

DAVID S. RENTERIA,

Petitioner,

v.

STATE OF TEXAS,

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*

MICHAEL WISEMAN*
Wiseman & Schwartz, LLP
718 Arch Street, Suite 702
North
Philadelphia, PA 19106
215-450-0903
wiseman@wisemanschwartz.
com

MAUREEN FRANCO
Federal Public Defender
Western District of Texas
TIVON SCHARDL*
Chief, Capital Habeas Unit
BENJAMIN H. MCGEE
Assistant Federal Public Defenders
919 Congress Avenue, Suite 950
Austin, Texas 78701
(737) 207-3008
Tivon_Schardl@fd.org
*Counsel of Record

Petitioner, David Renteria, 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 March 30, 2015, the United States District Court for the Western District of Texas appointed Michael Wiseman as Mr. Renteria’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 July 30, 2020.

The filing of this petition is the continuation of counsel’s representation of Mr. Renteria 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, David S. Renteria, seeks leave to proceed *in forma pauperis*.

Respectfully submitted this 15th day of November 2023,

/s/ Tivon Schardl
TIVON SCHARDL
Chief, Capital Habeas Unit
Counsel of Record for Petitioner
Member of Supreme Court Bar