

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 Texas Court of Criminal Appeals

---

**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. Renteria’s indigency is required.

WHEREFORE, Petitioner, David S. Renteria, seeks leave to proceed *in forma pauperis*.

Respectfully submitted this 16th day of November 2023,

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