No.

CAPITAL CASE

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD TABLER,

Petitioner,

-V-

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECITONAL INSTITUTIONS DIVISION,

Respondent.

MOTION TO PROCEED IN FORMA PAUPERIS

Petitioner Richard Tabler, through undersigned counsel, moves pursuant to Supreme Court Rule 39.1 for leave to proceed *in forma pauperis* in his concurrently filed Petition for Writ of Certiorari to the Court of Appeals for the Fifth Circuit. Mr. Tabler is indigent and has received appointed counsel in the courts below.

On July 10, 2012, the United States District Court for the Western District of Texas appointed attorneys David A. Schulman and John G. Jasuta to represent Mr. Tabler for federal habeas proceedings. *See* Exhibits 1 and 2. On May 1, 2012, the district court appointed Marcia A. Widder to substitute for Mr. Schulman and Mr. Jasuta as counsel. *See* Exhibit 3. Finally, on March 31, 2015, the court appointed the Federal Community Defender Office for the Eastern District of Pennsylvania to

represent Mr. Tabler "throughout all available post-conviction processes."

Exhibit 4. On appeal, on February 25, 2022, the Court of Appeals for the Fifth Circuit

appointed Ms. Widder as additional counsel for Mr. Tabler pursuant to the Criminal

Justice Act, 18 U.S.C. § 3599.

Undersigned counsel hereby certify that Mr. Tabler remains indigent. Mr.

Tabler requests that this Court allow him to proceed in forma pauperis.

Respectfully submitted,

/s/ Claudia Van Wyk

Claudia Van Wyk

Counsel of Record

AMERICAN CIVIL LIBERTIES UNION

FOUNDATION

Capital Punishment Project

201 W. Main St. Suite 402,

Durham, NC 27701

(267) 971-6991 (cell)

(919) 433-8533 (direct)

cvanwyk@aclu.org

 $Counsel\ for\ Petitioner-Applicant$

Dated: April 11, 2024

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CJA 30 DEATH PENALTY PROCEE	DINGS: APPOIN	IMENT O	F AND AUTHORITY	TO PAY COURT	r-appoin	TED COUNSEL (Re	ev.12/03)	•
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including any suffix), AND MAILING	ADDRESS	.	✓ O Appointing Co	unsel		C Co-Counsel		
David A. Schulman			☐ F Subs For Feder ☐ P Subs For Panel			R Subs For Retain Y Standby Counse		
Post Office Box 783		١,	Prior Attorney's		-	•	-	
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Telephone Number: (512)	474-4747		B) The attorney named	in Item 11 is app	ointed to s	erve as: 🗹 LEAD (COUNSEL CO-C	COUNSEL
13. NAME AND MAILING ADDRESS (OF LAW FIRM		Name of Co-Counse or Lead Counsel:	John G. Ja	asuta		American and Date.	2/25/2010
(Only provide per instructions)		- 10	C) If you represented th	e defendant or pe	titioner in	any prior proceeding	Appointment Date: related to this matter, a	ttach to your initial clair
FILED		18	listing of those proceed	lings and describ	e your role	in each (e.g., lead in	counsel or co-counsel?)
i illeb	•		」(D) Due to the expect ime, for such a neriod w	ted length of this	case, and t	he anticipated hardsh	ip on counsel in undert	aking representation full are approved pursuant to
		f	he attached order.	TIL	. 0	in prymouts of comp	cusation and expenses a	are approved pursuant to
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used in co	onnection with a la	ter stage o	the proceeding. CHE	CK NO MORE T	HAN ONE	BOX. Submit a sep	arate voucher for each	stage of the proceeding.
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		is ap	pointed to represent the	e person in this case.			ne quannoanous by law,
Telephone Number:	512) 547-6858			Item 11 is appointed to s	erve as: 🗌 LEAD (COUNSEL Z CO-CO	DUNSEL
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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

WACO DIVISION

RICHARD LEE TABLER,	§	
Petitioner,	§	
	§	
vs.	§	Civil No. W-10-CA-034
	§	
RICK THALER, Director,	§	
TDCJ-CID,	§	
Respondent,	§	
	00000	

ORDER

Before the Court is the Renewed Motion to Withdraw as Counsel and for Appointment of New Counsel and the Unopposed Motion for Substitution and Appointment of Counsel and Request for Expedited Ruling. The Court, having considered these pleadings finds that they have merit and should be granted. Accordingly, it is

ORDERED that David A. Schulman and John G. Jasuta are allowed to withdraw as attorneys of record in this case. It is further

ORDERED that Marcia A. Widder is appointed to represent Petitioner in this case.

SIGNED on this 1st day of May, 2012.

WALTER S. SMITH, JR.

UNITED STATES DISTRICT JUDGE



IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

RICHARD LEE TABLER,	
Petitioner,	§ CIVIL ACTION NO. W-10-CA-034
v.	§ §
WILLIAM STEPHENS, Director, Criminal Institutions	§ CAPITAL HABEAS CORPUS §
Division, Texas Department of Criminal Justice,	§ HON. WALTER S. SMITH, JR., § U.S.D.J.
Respondent.	§ § §

ORDER

AND NOW, this 31 day of Mescl., 2015, upon consideration of Petitioner's Unopposed Motion for Appointment of Counsel at No Court to Court and any responses thereto, it is hereby ORDERED as follows:

- 1. Petitioner's motion is GRANTED.
- 2. The Federal Community Defender Office for the Eastern District of Pennsylvania is hereby appointed to represent Richard Lee Tabler throughout all available post-conviction processes.
- 3. Peter Walker and Shawn Nolan are admitted *pro hac vice* to represent Mr. Tabler. Mr. Walker and Mr. Nolan shall move for full admission to the Western District of Texas within 30 days.

Signed March 31, 2015

United States District Judge