

No. 23-_____

IN THE
SUPREME COURT OF THE UNITED STATES

Bentley A. Streett — PETITIONER
(Your Name)

VS.

United States — 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):

United States Court of Appeals for the Tenth Circuit

☐ 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.

Tobias S. Loss-Eaton

(Signature)

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 24, 2022

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BENTLEY A. STREETT,

Defendant - Appellant.

No. 22-2056
(D.C. No. 1:14-CR-03609-JB-1)
(D. N.M.)

ORDER

Before **TYMKOVICH**, Chief Judge.

This matter is before the court on attorney Paul Linnenburger's *Motion to Withdraw and for Appointment of Substitute CJA Counsel*. Mr. Linnenburger seeks leave to withdraw as counsel for Appellant Bentley Streett and asks the court to appoint substitute counsel. The district court previously made the requisite finding of eligibility for the appointment of counsel pursuant to 18 U.S.C. § 3006A.

Upon consideration, the motion is granted. Pursuant to § 3006A, the Office of the Federal Public Defender for the Districts of Colorado and Wyoming is appointed as counsel for Mr. Streett. Within 10 days of the date of this order, counsel from the FPD's office shall enter an appearance in this appeal.

Pursuant to § 3006A, Mr. Linnenburger is appointed *nunc pro tunc* to the date the notice of appeal was filed in this matter. That appointment ends with the entry of this

order, and Mr. Linnenburger shall have no further obligations in this appeal except that, within 10 days of the date of this order, Mr. Linnenbruger shall transmit to the FPD's Office¹ copies of all documents in his possession that are pertinent to this appeal and not otherwise available via PACER and/or CM/ECF, including all trial exhibits.

A designation of record and transcript order form were filed in this appeal on May 10, 2022. Within 20 days of the date of this order, the FPD's office shall file any necessary supplemental designation of record and supplemental transcript order form. The Clerk of the U.S. District Court for the District of New Mexico shall wait at least 20 days before transmitting the record on appeal to this court.

Appellant's opening brief will be due 40 days from the date the record on appeal is filed in this court. *See* Fed. R. App. P. 31(a)(1); 10th Cir. R. 11.2(A).

The Clerk's Office shall transmit a copy of this order to the Clerk of the U.S. District Court for the District of New Mexico. Mr. Linnenburger shall transmit a copy of this order to Mr. Streett forthwith.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Chief Deputy Clerk

¹Office of the Federal Public Defender
Districts of Colorado and Wyoming
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