

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

SALVADOR SALAS, JR. - PETITIONER

VS

UNITED STATES OF AMERICA - RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR TENTH CIRCUIT

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*. Petitioner has previously been granted leave to proceed *in forma pauperis* in the following courts: United States District Court for the District of Wyoming, United States Court of Appeals for the Tenth Circuit. A copy of the Order of the United States Court of Appeals for the Tenth Circuit appointing counsel is attached, in accordance with Rule 39.1 of this Court.

Respectfully submitted,

/s/ Kari S. Schmidt

Kari S. Schmidt, #11524

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FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 4, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SALVADOR SALAS, JR.,

Defendant - Appellant.

No. 23-8027
(D.C. No. 1:21-CR-00077-SWS-1)
(D. Wyo.)

ORDER

Before **HOLMES**, Chief Judge.

Mark C. Hardee has filed a motion to withdraw as counsel for Appellant Salvador Salas, Jr. The motion to withdraw is GRANTED.

The district court has made the requisite finding of eligibility for appointment of counsel pursuant to 18 U.S.C. § 3006A, and Kari S. Schmidt¹ is appointed as counsel for Appellant Salas. Pursuant to § 3006A, Mr. Hardee is appointed *nunc pro tunc* to the date the notice of appeal was filed in this matter, and that appointment ends with the entry of this order appointing new counsel.

¹Kari S. Schmidt; Conlee Schmidt & Emerson, LLP; 200 West Douglas Ave., Suite 300; Wichita, Kansas 67202; Tel: (316) 264-3300; Fax: (316) 264-3423; email: karis@fcse.net.

Within 10 days from the date of this order, Mr. Hardee shall transmit to Ms. Schmidt 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.

Within 10 days, Ms. Schmidt shall file an entry of appearance in this appeal.

Mr. Hardee has filed a designation of record and a transcript order form in the district court for this appeal. Within 20 days from the date of this order, Ms. Schmidt shall file any supplemental designation of record and supplemental transcript order form.

Appellant's opening brief shall 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 of the U.S. District Court for the District of Wyoming shall wait at least 20 days before transmitting the record on appeal to this court.

The Clerk's Office shall transmit a copy of this order to the district court clerk. Mr. Hardee shall transmit a copy of this order to Appellant Salas forthwith.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read "Sunil N. Rao".

By: Sunil N. Rao
Counsel to the Clerk