

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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BLAINE MILAM,  
*Petitioner,*  
v.

TEXAS,  
*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI TO  
THE TEXAS COURT OF CRIMINAL APPEALS

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**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

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Petitioner Blaine Milam respectfully seeks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner is indigent and has proceeded *in forma pauperis* in state and federal proceedings. He sought and was granted *in forma pauperis* status in Texas state court as well as by the United States District Court for the Eastern District of Texas and the United States Court of Appeals for the Fifth Circuit.

The courts below appointed counsel for Petitioner. Counsel of record was also appointed to represent Petitioner under 18 U.S.C. § 3599. *See* Sup. Ct. R. 39. Those appointment orders are appended to this motion. For these reasons, Petitioner respectfully requests this Court grant him leave to proceed *in forma pauperis* in this Court.

Respectfully submitted this 26th day of November 2024.

JASON D. HAWKINS  
Federal Public Defender

/s/ Jeremy Schepers

Jeremy Schepers\*  
Supervisor, Capital Habeas Unit  
Office of the Federal Public Defender  
Northern District of Texas  
525 S. Griffin St., Ste. 629  
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Texas Defender Service  
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512-477-2153 (fax)  
jswiergula@texasdefender.org

\**Counsel of Record*

IN THE 4TH JUDICIAL DISTRICT COURT  
OF RUSK COUNTY, TEXAS

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EX PARTE

BLAINE KEITH MILAM,

APPLICANT

§  
§  
§ CAUSE NO. CR 09-066  
§ C.C.A. NO. 79,322-02  
§  
§

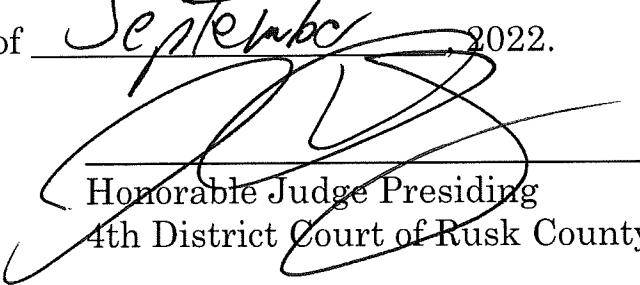
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Amended ORDER ON MOTION FOR APPOINTMENT OF COUNSEL

Applicant's Motion for Appointment of Counsel is GRANTED /

DENIED. The Court hereby appoints Jennae Swiergula (SBOT 24104466) and Emily Follansbee (SBOT 24124283) for Applicant for state court proceedings arising from the pending Application for Post-Conviction Writ of Habeas Corpus. The Court further ORDERS that Ms. Swiergula's appointment is effective retroactively to January 15, 2021 and that Ms. Follansbee's appointment is effective as of the date of this order.

Signed this day 15 of September, 2022.

  
Honorable Judge Presiding  
4th District Court of Rusk County

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

BLAINE KEITH MILAM, #999558,

§

*Petitioner,*

§

v.

CIVIL ACTION NO. 4:13-CV-545

DIRECTOR, TDCJ-CID,

JUDGE RON CLARK

*Respondent.*

**ORDER**

Before the court is Petitioner's motion for substitution of counsel. (Dkt. #40). Petitioner is asking that Don Bailey be withdrawn as his attorney and replaced by Jennae Swiergula. The motion has merit. Jason Hawkins, the Public Defender of the Northern District of Texas, has agreed to have the Capital Habeas Unit of the Northern District of Texas act as co-counsel in this matter. It is accordingly

**ORDERED** that the motion for substitution of counsel (Dkt. #40) is **GRANTED**. Don Bailey is withdrawn as counsel for Petitioner and Jennae Swiergula and the Capital Habeas Unit of the Northern District of Texas are appointed to represent Petitioner. It is further

**ORDERED** that the Clerk of Court is directed to send copies of this Order to the attorneys at the following addresses:

Jennae Swiergula  
Texas Defender Service  
1023 Springdale Rd., Ste. 14  
Austin, TX 78721

Jason Hawkins  
Federal Public Defenders Office-ND of TX  
525 South Griffin Street, Ste. 629  
Dallas, TX 75202

Ms. Swiergula and the attorneys assigned to the case by the Capital Habeas Unit of the Northern District of Texas should enter an appearance within seven days from the receipt of this Order. It is finally

**ORDERED** that Ms. Swiergula shall submit a proposed budget by November 1, 2018. *See* <http://www.txed.uscourts.gov/?q=habeas-corpus-death-penalty-budgeting>; <http://jnet.ao.dcn/court-services/cja-panel-attorneys-and-defenders/capital-cases>.

So **ORDERED** and **SIGNED** **October 4, 2018.**



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Ron Clark, Senior District Judge