

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

IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

MICHAEL J. BANIEL — PETITIONER

VS.

UNITED STATES — RESPONDENT

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 v. Michael J. Baniel*, 5:22-cr-87-EEF-MLH-1, United States District Court, Western District of Louisiana; 24-30137, United States Fifth Circuit Court of Appeals.

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: 18 U.S.C. § 3006A, a copy of the order of appointment is appended.

/s/ Douglas Lee Harville  
Douglas Lee Harville

RECEIVED

SEP 01 2022

TONY R. MOORE CLERK  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT, LOUISIANA  
BY 

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

CASE NO.: 22-87

VERSUS

JUDGE ELIZABETH E. FOOTE

MICHAEL BANIEL

MAGISTRATE JUDGE HORNSBY

ORDER APPOINTING PANEL ATTORNEY

On the basis of the evidence in the record of the defendant's financial condition, the Court determines that the defendant is financially unable to employ counsel.

IT IS HEREBY ORDERED that, DOUGLAS "LEE" HARVILLE, is hereby appointed from the CJA panel to represent defendant in this matter.

Appointment Date: 9/1/2022

THUS DONE in Chambers on this 1st day of September, 2022.

  
\_\_\_\_\_  
MARK L. HORNSBY  
UNITED STATES MAGISTRATE JUDGE

**General Docket**  
**United States Court of Appeals for the Fifth Circuit**

**Court of Appeals Docket #:** 24-30137

USA v. Baniel

**Appeal From:** Western District of Louisiana, Shreveport

**Fee Status:** In Forma Pauperis

**Docketed:** 03/08/2024

**Termed:** 11/06/2024

**Case Type Information:**

- 1) Criminal (DCRIM)
- 2) Direct Criminal
- 3)

**Originating Court Information:**

**District:** 0536-5 : [5:22-CR-87-1](#)

**Court Reporter:** Diana Cavenah

**Court Reporter:** Jodi Terry

**Originating Judge:** Elizabeth Erny Foote, U.S. District Judge

**Originating Judge:** S. Maurice Hicks, Jr., U.S. District Judge

**Date Filed:** 04/13/2022

**Date NOA Filed:**

03/05/2024

**Date Rec'd COA:**

03/05/2024

**Prior Cases:**

None

**Current Cases:**

None

**Panel Assignment:** Not available

United States of America  
Plaintiff - Appellee

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Suite 2200  
800 Lafayette Street  
Lafayette, LA 70501-6832

v.

Michael J. Baniel, also known as Michael James Baniel  
Defendant - Appellant

Douglas Lee Harville  
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|            |  |   |
|------------|--|---|
| 03/08/2024 | <input type="checkbox"/> <a href="#">1</a><br>2 pg, 76.67 KB   | DIRECT CRIMINAL CASE docketed. NOA filed by Appellant Mr. Michael J. Baniel [24-30137] (MRW) [Entered: 03/08/2024 07:47 AM]   |
| 03/08/2024 | <input type="checkbox"/> <a href="#">3</a><br>4 pg, 97.59 KB   | JURISDICTIONAL REVIEW COMPLETE. Transcript order due on 03/25/2024 for Appellant Michael J. Baniel [24-30137] (MRW) [Entered: 03/08/2024 07:52 AM]  |
| 03/08/2024 | <input type="checkbox"/> <a href="#">5</a><br>2 pg, 11.64 KB   | CJA APPOINTMENT for Attorney Mr. Douglas Lee Harville for Mr. Michael J. Baniel. Counsel must use the eVoucher system to file the voucher at disposition of the case. Please see the attached document for further guidance.<br><br>ORIGINATING COURT DISTRICT: WLA<br>ORIGINATING CASE NUMBER: 5:22-CR-87-1<br>DEFENDANT NUMBER: 1<br>DATE OF APPOINTMENT: 03/05/2024 [24-30137] (MRW) [Entered: 03/08/2024 07:57 AM]  |
| 03/08/2024 | <input type="checkbox"/> <a href="#">6</a><br>1 pg, 150.84 KB  | APPEARANCE FORM for the court's review. Lead Counsel? Yes. [24-30137] (Camille Ann Domingue ) [Entered: 03/08/2024 09:18 AM]  |
| 03/11/2024 | <input type="checkbox"/> 7                                     | APPEARANCE FORM FILED by Attorney(s) Camille Ann Domingue for party(s) Appellee USA, in case 24-30137 [24-30137] (RA) [Entered: 03/11/2024 01:26 PM]  |
| 03/24/2024 | <input type="checkbox"/> <a href="#">9</a><br>2 pg, 241.96 KB  | ATTORNEY TRANSCRIPT ORDER form filed by Appellant Mr. Michael J. Baniel for the Court to process. Date of service: 03/02/2024 via email - Attorney for Appellee: Domingue; Attorney for Appellant: Harville; US mail - Attorney for Appellee: Moody. [24-30137] (Douglas Lee Harville ) [Entered: 03/24/2024 08:54 PM]  |
| 03/25/2024 | <input type="checkbox"/> 10                                    | TRANSCRIPT ORDER received from Appellant Mr. Michael J. Baniel. DETAILS: Transcript Order: Court Reporter: Diana Cavenah, Proceeding Type and Date: Plea Hearing 08/01/2023 ; Transcript Order: Court Reporter: Jodi Terry, Proceeding Type and Date: Sentencing 02/20/2024. Transcript Order ddl satisfied. Ct. Reporter Acknowledgment due on 04/04/2024 for Diana Cavenah and Jodi Terry. Electronic Filing Processed: <a href="#">9</a> [24-30137] (PAC) [Entered: 03/25/2024 10:11 AM] |
| 03/25/2024 | <input type="checkbox"/> <a href="#">11</a><br>1 pg, 924.82 KB | COURT REPORTER ACKNOWLEDGMENT received from Diana Cavenah. [24-30137] (Diana Cavenah ) [Entered: 03/25/2024 10:29 AM]   |
| 03/25/2024 | <input type="checkbox"/> 12                                    | ACKNOWLEDGMENT Transcript Order: Court Reporter: Diana Cavenah, Est. Completion Dt: 04/23/2024, Est. No. of Pgs: 32, Dt. Fin Arrangements Made: 03/24/2024, Dt. Trans. to be Filed: 04/23/2024, Proceeding Type and Date: Plea Hearing 08/01/2023. Ct. Reporter Acknowledgment ddl satisfied. Transcript Due/Court Reporter Discount Date is 04/23/2024 for Diana Cavenah [24-30137] (PAC) [Entered: 03/25/2024 11:09 AM]   |
| 04/03/2024 | <input type="checkbox"/> <a href="#">13</a><br>1 pg, 729.97 KB | COURT REPORTER ACKNOWLEDGMENT received from Jodi Terry. [24-30137] (Jodi Terry ) [Entered: 04/03/2024 02:40 PM]   |
| 04/09/2024 | <input type="checkbox"/> 14                                    | ACKNOWLEDGMENT Transcript Order: Court Reporter: Jodi Terry, Est. Completion Dt: 05/09/2024, Dt. Fin Arrangements Made: 04/09/2024, Dt. Trans. to be Filed: 05/09/2024, Proceeding Type and Date: Sentencing 02/20/2024. Ct. Reporter Acknowledgment ddl satisfied. Transcript Due/Court Reporter Discount Date is 05/09/2024 for Jodi Terry [24-30137] (RA) [Entered: 04/09/2024 03:29 PM]   |
| 04/23/2024 | <input type="checkbox"/> <a href="#">15</a><br>1 pg, 642.51 KB | NOTICE RECEIVED from Diana Cavenah that the transcript ordered by Appellant Mr. Michael J. Baniel is complete and has been filed in the District Court. [24-30137] (Diana Cavenah ) [Entered: 04/23/2024 03:41 PM]  |
| 04/24/2024 | <input type="checkbox"/> 16                                    | TRANSCRIPT FILED IN DISTRICT COURT Transcript Order: Court Reporter: Diana Cavenah, Dt. Filed in Dist. Ct: 04/23/2024 Transcript Due/Court Reporter Discount Date canceled [24-30137] (RA) [Entered: 04/24/2024 03:21 PM]   |
| 05/03/2024 | <input type="checkbox"/> <a href="#">17</a><br>1 pg, 730.82 KB | NOTICE RECEIVED from Jodi Terry that the transcript ordered by Appellant Mr. Michael J. Baniel is complete and has been filed in the District Court. [24-30137] (Jodi Terry ) [Entered: 05/03/2024 10:48 AM]  |
| 05/03/2024 | <input type="checkbox"/> 18                                    | TRANSCRIPT FILED IN DISTRICT COURT Transcript Order: Court Reporter: Jodi Terry, Dt. Filed in Dist. Ct: 05/03/2024 Transcript Due/Court Reporter Discount Date canceled [24-30137] (RA) [Entered: 05/03/2024 01:31 PM]  |
| 05/03/2024 | <input type="checkbox"/> 19                                    | ELECTRONIC RECORD ON APPEAL REQUESTED from District Court for 5:22-CR-87-1. Electronic ROA due on 05/20/2024. [24-30137] (RA) [Entered: 05/03/2024 01:32 PM]  |
| 05/30/2024 | <input type="checkbox"/> 20                                    | ELECTRONIC RECORD ON APPEAL FILED. Admitted Exhibits on File in District Court? No. Video/Audio Exhibits on File in District Court? Yes Electronic ROA deadline satisfied. [24-30137] (DDL) [Entered: 05/30/2024 09:39 AM]  |
| 05/30/2024 | <input type="checkbox"/> <a href="#">22</a><br>5 pg, 92.88 KB  | BRIEFING NOTICE ISSUED A/Pet's Brief Due on 07/09/2024 for Appellant Michael J. Baniel. [24-30137] (DDL) [Entered: 05/30/2024 09:41 AM]   |