

APPENDIX C

United States Court of Appeals
for the Fifth Circuit

No. 23-11198

United States Court of Appeals
Fifth Circuit

FILED

March 18, 2025

Lyle W. Cayce
Clerk

Plaintiff—Appellee,

UNITED STATES OF AMERICA,

versus

DAVID NICHOLSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:22-CR-361-1


ORDER:

The court has considered the motion of attorney James Patrick Whalen to withdraw as retained counsel for Appellant and be appointed as CJA counsel for the purpose of filing a petition for a writ of certiorari with the Supreme Court. Counsel cites as the only ground for withdrawal Appellant's lacking financial means to pay Whalen, despite his assertion that "at least one significant issue warrants attention and review" before "the Supreme Court of the United States." Without any showing of any other grounds justifying counsel's withdrawal, or that Appellant seeks to apply for

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CJA counsel to file such a petition, IT IS ORDERED that the motion to withdraw as retained counsel is DENIED without prejudice.

IT IS FURTHER ORDERED that Whalen's request to be appointed via the Criminal Justice Act is likewise DENIED without prejudice, as unnecessary.


CORY T. WILSON
United States Circuit Judge

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

March 18, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-11198 USA v. Nicholson
 USDC No. 4:22-CR-361-1

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____

Melissa B. Courseault, Deputy Clerk
504-310-7701

Mr. Jonathan Glen Bradshaw
Mr. Stephen S. Gilstrap
Mr. James Patrick Whalen