

No. 17-5716

IN THE
SUPREME COURT OF THE UNITED STATES

TIMOTHY D. KOONS, KENNETH JAY PUTENSEN, RANDY FEAUTO, ESEQUIEL
GUTIERREZ, AND JOSE MANUEL GARDEA,

Petitioners,

v.

UNITED STATES,

Respondent.

On Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit

MOTION FOR APPOINTMENT OF COUNSEL

James Whalen
Federal Public Defender
Joseph Herrold
Assistant Federal Public
Defender
Capital Square, Suite 340
400 Locust Street
Des Moines, IA 50309

JEFFREY L. FISHER
Counsel of Record
STANFORD LAW SCHOOL SUPREME
COURT LITIGATION CLINIC
559 Nathan Abbott Way
Stanford, CA 94305
(650) 724-7081
jlfisher@law.stanford.edu

MOTION FOR APPOINTMENT OF COUNSEL

Petitioners Timothy D. Koons, et al., hereby move, pursuant to S. Ct. Rule 39.7, to appoint Jeffrey L. Fisher of the Stanford Supreme Court Litigation Clinic as their counsel of record. In support of this motion, petitioners supply the following information:

1. This Court granted certiorari and petitioner's motion to proceed *in forma pauperis* in this case on December 8, 2017.

2. Mr. Fisher is well qualified to undertake this representation. He serves as the Co-Director of the Stanford Law School Supreme Court Litigation Clinic. He has argued numerous cases in this Court and has been involved in dozens of others. Several of those cases have involved federal sentencing law, the subject of this case.

3. Mr. Fisher and Stanford's Supreme Court Litigation Clinic have the resources necessary to undertake this representation. The Clinic employs three instructors (including Mr. Fisher), all of whom regularly litigate in this Court. The Clinic also has student assistance and the full resources of Stanford Law School at hand. The Clinic will serve as co-counsel with the Federal Public Defender's office for the Northern and Southern Districts of Iowa, which represented petitioners in the Eighth Circuit and during the certiorari stage in this Court.

4. Mr. Fisher has been a member in good standing of the Washington State Bar since 2000 and of the California Bar since 2008. He also is a member of this Court's bar.

CONCLUSION

For the foregoing reasons, petitioner respectfully requests that this Court appoint Jeffrey L. Fisher as his counsel of record in this case.

Respectfully submitted,

James Whalen
Federal Public Defender
Joseph Herrold
Assistant Federal Public
Defender
Capital Square, Suite 340
400 Locust Street
Des Moines, IA 50309

JEFFREY L. FISHER
Counsel of Record
STANFORD LAW SCHOOL SUPREME
COURT LITIGATION CLINIC
559 Nathan Abbott Way
Stanford, CA 94305
(650) 724-7081
jlfisher@law.stanford.edu

Dated: December 18, 2017