

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

February 20, 2018

Mr. Terry Dale Lomack
Prisoner ID #276883
Lexington Correctional Center
P.O. Box 260
Lexington, OK 73501

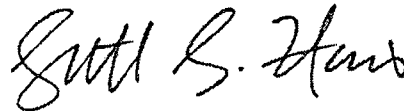
Re: Terry Dale Lomack
v. Jim Farris, Warden
No. 17-6872

Dear Mr. Lomack:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

FEDERAL PUBLIC DEFENDER
WESTERN DISTRICT OF OKLAHOMA

SUSAN M. OTTO
FEDERAL PUBLIC DEFENDER

Death Penalty Federal
Habeas Corpus Division:
Reply To: _____
215 Dean A. McGee
Suite 707 Old Post Office Building
Oklahoma City, Oklahoma 73102
(405) 609-5975
Telefacsimile: (405) 609-5976

Main Office:
Reply To: ✓
215 Dean A. McGee
Suite 109 Old Post Office Building
Oklahoma City, Oklahoma 73102
(405) 609-5930
Telefacsimile: (405) 609-5932

Federal Transfer Center
Parole Revocation Docket:
Reply To: _____
215 Dean A. McGee
Suite 109 Old Post Office Building
Oklahoma City, Oklahoma 73120
(405) 680-4047
Telefacsimile: (405) 680-4082

February 5, 2016

Terry Dale Lomack
DOC # 276883
Lexington Correctional Center
PO Box 260
Lexington, OK 73051

Re: *Lomack v. Ferris*
Western District of Oklahoma CIV-03-1008-C

Dear Mr. Lomack:

We received your correspondence, dated January 28, 2016, on February 2, 2016. Although I believe we have discussed several of the issues you raised, I want to make sure I have explained the options I believe are available at this point.

You are correct that the usual practice is that a petitioner in a non-capital case is required to file the initial petition *in propria persona*. The appointment of counsel is required only if an evidentiary hearing is ordered. It is within the Court's discretion to appoint counsel in a particular case. Our office was appointed in your case, in part, because of the letters you sent to me and to Mr. Bauman requesting assistance. Based on your letters, the pleadings that were filed, the fact that time is always an issue in habeas cases, and the remand from the Tenth Circuit, we advised the Court of your request for the appointment of counsel. Judge Cauthron granted the request.

Terry Dale Lomack DOC # 276883
Re: *Lomack v. Ferris* W.D. Okla. CIV-03-1008-C

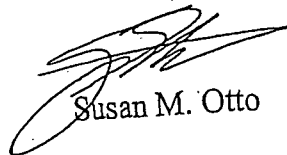
February 5, 2016
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You have explained your dissatisfaction with our petition. We discussed your concerns during our last telephone call, which included the person who has been advising you for some time. At the conclusion of that telephone call, you indicated we should continue our representation until you advised us otherwise. Mr. Bauman, Mr. Wackenheim, and I worked on the draft objections we sent to you.

We have sent you copies of cases as you requested. We are not able to provide unlimited copies to any of our clients. You have advised us you are now being denied access to the law library because our office has been appointed to represent you. I understand you need to conduct independent research. Writing us for cases is a very slow way to conduct research. If you believe a letter from me explaining the current procedural posture of your case would help you regain access to the law library, I will fax the Warden a letter. You do not need to send the copies back to us.

The deadline for our objections to the Magistrate's Report and Recommendation is February 26, 2016. As I mentioned in our telephone call, if you want to proceed *in propria persona*, this would be a tactically logical point to advise the Court of that decision. If you need additional time to prepare objections to the Report and Recommendation, I can ask the Court for another extension of the deadline. Please let me know as soon as possible if you want additional time.

Sincerely,



Susan M. Otto

SMO:nh