

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2017

BOBBY WAYNE WALDROP, Petitioner,

v.

JEFFERSON S. DUNN, Commissioner of the
Alabama Department of Corrections, and the
ATTORNEY GENERAL OF THE STATE OF ALABAMA, Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner Bobby Waldrop, pursuant to Rule 39 of the Supreme Court Rules, respectfully requests leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

The court below appointed undersigned counsel for Mr. Waldrop pursuant to the Criminal Justice Act (18 U.S.C. § 3006A). The Eleventh Circuit's order appointing Bryan Stevenson is attached as Exhibit A; its order appointing Randall Susskind is attached as Exhibit B; and its order appointing Aaryn Urell is attached as Exhibit C.

Because the court below appointed counsel for him due to his indigency, Mr. Waldrop respectfully requests leave to file the attached petition for a writ of certiorari

without prepayment of fees and costs or security therefor and without filing an affidavit or declaration. Sup. Ct. Rule 39(1); see also 18 U.S.C. § 3006A(d)(7) (“If a person for whom counsel is appointed under this section . . . petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.”).

Respectfully submitted,

/s/ Bryan A. Stevenson
BRYAN A. STEVENSON
Counsel of Record
RANDALL S. SUSSKIND
AARYN M. URELL
122 Commerce Street
Montgomery, AL 36104
(334) 269-1803
bstevenson@ejl.org
rsusskind@ejl.org
aurell@ejl.org

Counsel for Mr. Waldrop

Dated: May 14, 2018

Exhibit A

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

March 04, 2015

Bryan A. Stevenson
Equal Justice Initiative of Alabama
122 COMMERCE ST
MONTGOMERY, AL 36104

Appeal Number: 15-10881-P
Case Style: Bobby Waldrop v. Commissioner, AL DOC, et al
District Court Docket No: 3:08-cv-00515-WKW-TFM

Party To Be Represented: Bobby Waldrop

Dear Counsel:

We are pleased to advise that you have been appointed to represent on appeal the indigent litigant named above. This work is comparable to work performed pro bono publico. The fee you will receive likely will be less than your customary one due to limitations on the hourly rate of compensation contained in the Criminal Justice Act (18 U.S.C. § 3006A), and consideration of the factors contained in Addendum Four § (g)(1) of the Eleventh Circuit Rules.

Your Criminal Justice Act (CJA) Voucher is enclosed. The following additional documents are available on the internet at www.ca11.uscourts.gov:

- [Instructions for Completing CJA Voucher](#)
- [Notice to Court-Appointed Counsel](#) of Public Disclosure of Attorney Fee Information
- Addendum Four to the Eleventh Circuit Rules entitled [Eleventh Circuit Plan Under the Criminal Justice Act](#)

For questions concerning the CJA voucher, or if you do not have internet access and would like copies of these documents mailed to you, you may call the CJA Clerk at 404-335-6122. For all other questions, please call the "Reply To" number shown below.

FRAP 26.1 and the accompanying circuit rules provide that the Certificate of Interested Persons and Corporate Disclosure Statement (CIP) must be filed with the court by every appellant, appellee, intervenor and amicus curiae, including governmental parties. Appellants (and cross-appellants) must file their CIP within 14 days of the date this appeal has been docketed, or along with the filing in this court of any motion, petition, or pleading, whichever occurs first. The time

for filing the opposing party's CIP or notice is set by 11th Cir. R. 26.1-2(c). In the case of publicly traded corporations, counsel must include the stock ticker symbol after the corporate name. See 11th Cir.R. 26.1-3(c).

On the same day the CIP is served, the party filing it must also complete the court's web-based certificate at the [Web-Based CIP](#) link of the court's website. Pro se parties are **not required or authorized** to complete the web-based certificate.

Your claim for compensation under the Act should be submitted within 60 days after issuance of mandate or filing of a cert. petition. We request that you enclose with your completed CJA Voucher one additional copy of each brief, petition for rehearing, and cert. petition which you have filed. Please ensure that your voucher includes a detailed description of the work you performed. Thank you for accepting this appointment under the Criminal Justice Act.

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Jan S. Camp
Phone #: (404) 335-6171

CJA-1 Appointment of Counsel Letter

Exhibit B

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Douglas J. Mincher
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

March 25, 2015

Randall S. Susskind
Equal Justice Initiative of Alabama
122 COMMERCE ST
MONTGOMERY, AL 36104

Appeal Number: 15-10881-P
Case Style: Bobby Waldrop v. Commissioner, AL DOC, et al
District Court Docket No: 3:08-cv-00515-WKW-TFM

Party To Be Represented: Bobby Waldrop

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Sincerely,

DOUGLAS J. MINCHER, Clerk of Court

Reply to: Jan S. Camp
Phone #: (404) 335-6171

CJA-1 Appointment of Counsel Letter

Exhibit C

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

March 04, 2015

Aaryn M. Urell
Equal Justice Initiative of Alabama
122 COMMERCE ST
MONTGOMERY, AL 36104

Appeal Number: 15-10881-P
Case Style: Bobby Waldrop v. Commissioner, AL DOC, et al
District Court Docket No: 3:08-cv-00515-WKW-TFM

Party To Be Represented: Bobby Waldrop

Dear Counsel:

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Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

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CJA-1 Appointment of Counsel Letter