

NO. _____
(Capital Case)

**In the
Supreme Court of the United States**

JOHN HUMMEL, Petitioner

v.

LORIE DAVIS, Respondent

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Fifth Circuit**

**MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS**

Counsel for Petitioner Hummel files this Motion for Leave to Proceed *in Forma Pauperis*:

Motion

1. This motion meets the requirements of Supreme Court Rule 39.
2. Petitioner Hummel seeks *in forma pauperis* status for the proceedings before this Court.
3. On March 8, 2016, undersigned counsel Michael Mowla was appointed as lead counsel under 18 U.S.C. § 3599 by the United States District Court, Northern District of Texas. *See Hummel v. Davis*, No. 4:16-cv-00133-O (N.D.Tex. March 8, 2016, ECF-3) (see attached).

4. Hummel remains on death row. To undersigned counsel's knowledge, Hummel remains indigent. And, undersigned counsel continues to act as CJA counsel for Hummel.

5. Undersigned counsel asks that Hummel be allowed to continue under *in forma pauperis* status for the proceedings before this Court.

Prayer

Counsel for Petitioner Hummel prays that this Court grant this Motion for Leave to Proceed *In Forma Pauperis* and allow Petitioner Hummel to continue under *in forma pauperis* status for the proceedings before this Court.

Respectfully submitted,



/s/ Michael Mowla
Michael Mowla

Michael Mowla
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Cedar Hill, TX 75106
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Counsel of Record

Certificate of Service

I certify that on April 1, 2019, this motion was served on the following counsel by the method stated.



/s/ Michael Mowla
Michael Mowla

Gwendolyn S. Vindell
Office of the Attorney General
Postconviction Litigation
P.O. Box 12548
Austin, TX 78711
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gwendolyn.vindell2@oag.texas.gov
via efile and email

Appendix

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JOHN HUMMEL,

Petitioner,

V.

WILLIAM STEPHENS, Director,
Texas Department of Criminal Justice
Correctional Institutions Division,

Respondent.

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Civil Action No. 4:16-CV-133-O

(Death Penalty Case)

ORDER APPOINTING COUNSEL

On February 19, 2016, **John Hummel** (“Petitioner”) filed a motion for appointment of counsel and application to proceed in forma pauperis. (ECF No. 1.) Having reviewed the motion and application, the Court finds that Petitioner is entitled to proceed in forma pauperis and to the appointment of counsel by the provisions of 18 U.S.C. § 3599(a)(2). *See McFarland v. Scott*, 512 U.S. 849, 855-58 (1994). The Court further finds that attorney **Michael Mowla** possesses the background, knowledge, and experience to enable him to represent Petitioner with due consideration to the seriousness of the possible penalty and the unique and complex nature of the litigation, and is qualified and willing to accept this appointment as lead counsel.

Petitioner’s motion for appointment of counsel and application to proceed in forma pauperis (ECF No. 1) are **GRANTED** to the extent that attorney **Michael Mowla** is appointed as lead counsel to represent Petitioner in this cause.

Appointed counsel are entitled to compensation (currently at the rate of \$183.00/hour) in accordance with Volume VII, Part A, Chapter 6, of the *Guide to Judiciary Policy*, which Counsel

is directed to read along with the instructions for forms CJA 30 and CJA 31 in order to ensure proper compensation for time and expenses incurred herein, and the presumptive limits contained in the *Special Procedures for Reviewing Attorney Compensation Requests in Death Penalty Cases* by the Judicial Council of the Fifth Circuit. Counsel are also advised of the requirement of pre-approval for the use of associate counsel under the Criminal Justice Act (CJA) plan adopted by this district.¹ Counsel shall be entitled to interim payments for services rendered in this cause.

A copy of this order and CJA 30 forms shall be provided to appointed counsel at the following address:

LEAD COUNSEL **Michael Mowla**
Michael Mowla PLLC
P. O. Box 868
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972/795-2401
972/692-6636 (fax)
michael@mowlalaw.com

SO ORDERED on this 8th day of March, 2016.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹The CJA plan provides that “An appointed counsel may not claim compensation for services furnished by a partner or associate, or counsel who is not a partner or associate, without prior authorization by the court.” See Misc. Order 3 at VIII(B) (N.D.Tex. Sep. 15, 2000).