

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

BLAINE MILAM,
Petitioner,

v.

STATE OF TEXAS,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE COURT OF CRIMINAL APPEALS OF TEXAS

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner was declared indigent at his 2010 trial and has proceeded *in forma pauperis* in all subsequent state and federal proceedings. Undersigned counsel was appointed to represent Mr. Milam under 18 U.S.C. § 3599 and the proceedings in state court were filed pursuant to that appointment. The United States Court of Appeals for the Fifth Circuit has recognized that work performed related to subsequent state habeas corpus proceedings is within the scope of appointment under § 3599. *Wilkins v. Davis*, 832 F.3d 547, 557–58 (5th Cir. 2016).

For these reasons, Petitioner respectfully requests this Court grant him leave to proceed *in forma pauperis* in this Court.¹

Respectfully submitted,



Jennae R. Swiergula
Texas Defender Service
1023 Springdale Rd. #14E
Austin, TX 78721
512-320-8300
512-477-2153 (fax)
jswiergula@texasdefender.org

Counsel of Record for Blaine Milam

¹ Counsel mailed Mr. Milam an Affidavit or Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis* but has not yet received it back. Counsel will provide the Court with a copy of that affidavit once it is received should the Court deem it necessary for a determination of indigency.