

No. _____
(CAPITAL CASE)

IN THE
Supreme Court of the United States

ANTHONY MEDINA,
Petitioner,

v.

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPT. OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION

RESPONDENT.

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

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Jeremy Schepers
Supervisor, Capital Habeas Unit
Federal Public Defender's Office
Northern District of Texas
525 South Griffin Street, Ste. 629
Dallas, Texas 75202
214-767-2746
214-767-2886 (fax)
jeremy_schepers@fd.org

James William Marcus*
Capital Punishment Clinic
University of Texas School of Law
727 E. Dean Keeton Street
Austin, Texas 78705
512-232-1475
512-232-9197 (fax)
jmarcus@law.utexas.edu
*Counsel of record

Counsel for Petitioner

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Pursuant to Rule 39 of the Rules of the Supreme Court of the United States, Petitioner, Anthony Medina, asks leave to file the accompanying Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit without payment of costs and to proceed in forma pauperis, and in support of the request states:

1. The Petition for Certiorari in the form prescribed by Rule 14 of the Rules of this Court, with Appendix attached, is submitted for filing along with this Motion.
2. Petitioner has previously been granted leave to proceed in forma pauperis in the following courts:

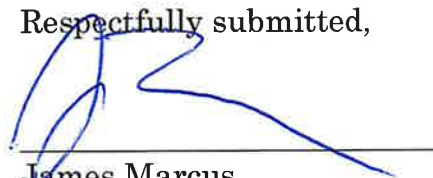
The State Courts of Texas

The United States District Court for the Southern District of Texas (No. 4:09-cv-03223)

The United States Court of Appeals for the Fifth Circuit (No. 23-70003)

3. Petitioner was determined to be indigent by the United States District Court for the Southern District of Texas and counsel was appointed to represent Petitioner pro bono on October 16, 2009, pursuant to 18 U.S.C. § 3599(a)(2). A copy of the order of appointment is appended.
4. Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James Marcus", is written over a horizontal line.

James Marcus
Counsel of Record
Member, Supreme Court Bar

Jeremy Schepers
Supervisor, Capital Habeas Unit
Federal Public Defender's Office
Northern District of Texas
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Dallas, Texas 75202
214.767.2746
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Capital Punishment Clinic
University of Texas School of Law
727 E. Dean Keeton Street
Austin, Texas 78705
512-232-1475
512-232-9197 (fax)
jmarcus@law.utexas.edu

Counsel for the Petitioner

DATED: January 16, 2025

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ANTHONY MEDINA,	§	
Petitioner,	§	
	§	
v.	§	H-09-CV-3223
	§	
RICK THALER,	§	
Director, Texas	§	
Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
Respondent.	§	

ORDER

Petitioner Anthony Medina is a death row inmate, currently in the custody of the Texas Department of Criminal Justice. He has filed a motion for the appointment of counsel to assist him in this habeas corpus proceeding and for a scheduling order.

Title 18 U.S.C. § 3599(a)(2) provides for appointment of counsel in a habeas corpus proceeding when the petitioner is financially unable to obtain adequate representation on his own. Medina has not submitted proof that he is unable to afford counsel. The procedural history recited in his motion, however, states that he has been represented by appointed counsel throughout his state postconviction proceedings. It therefore appears that Medina is indigent. Rather than further delay this proceeding, the Court will appoint counsel conditioned on Medina filing the necessary proof of indigency within 30 days.

Medina also requests 180 days to file an amended petition. He states that he has conferred with opposing counsel and that this request is unopposed.

Accordingly,

IT IS ORDERED THAT Medina's Motion For Appointment of Counsel (Docket Entry 2) is **Granted**;

IT IS FURTHER ORDERED THAT James Marcus, Esq., University of Texas School of Law, 727 East Dean Keeton Street, Austin, TX 78705, (512) 232-1475, and Robert McGlasson, Esq., 1024 Clairemont Avenue, Decatur, GA (404) 373-9334 are conditionally appointed to represent Medina in this habeas corpus proceeding;

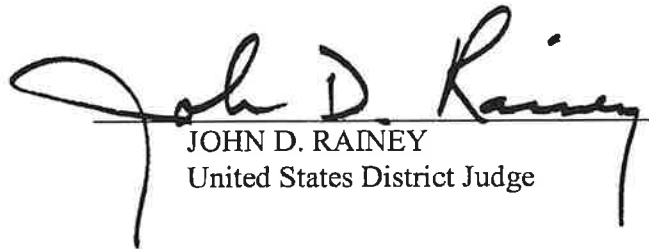
IT IS FURTHER ORDERED THAT this appointment will be withdrawn unless Medina submits proof of indigency within 30 days of the date of this Order;

IT IS FURTHER ORDERED THAT Medina may amend his petition for a writ of habeas corpus within 180 days of the date of this order; and

IT IS FURTHER ORDERED THAT Medina's current counsel of record, Morris Hewon Moon, is withdrawn as counsel.

SO ORDERED.

SIGNED ~~at Houston, Texas~~ on this ¹⁶16 day of October, 2009.


JOHN D. RAINEY
United States District Judge