

In the Supreme Court of the United States

MICAH CROFFORD BROWN,

Petitioner,

v.

ERIC GUERRERO, Director,
Texas Department of Criminal
Justice, Institutions Division,

Respondent.

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

JOINT NOTICE OF AGREEMENT TO DISMISS

Ken Paxton
Attorney General of Texas

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Counsel for Respondent

Maureen Scott Franco
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Counsel for Petitioner

*Counsel of Record

To the Clerk of the Supreme Court of the United States:

1. On March 21, 2025, Micah Brown, an inmate on Texas' death row seeking relief under 28 U.S.C. § 2254, filed the instant petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Brown is represented by the Office of the Federal Public Defender for the Western District of Texas, Capital Habeas Unit, in Austin, Texas (Austin CHU). The United States District Court for the Western District of Texas appointed the Austin CHU to represent Brown pursuant to 18 U.S.C. § 3599.
2. The respondent is represented by the Office of the Attorney General of Texas.
3. Respondent filed a brief in opposition to the petition on June 26, 2025. Brown filed a reply on July 10, and the petition was then fully briefed.
4. On August 1, 2025, Brown died at the Polunsky Unit of the Texas Department of Criminal Justice in Livingston, Texas.
5. Supreme Court Rule 46.1 provides:

At any stage of the proceedings, whenever all parties file with the Clerk an agreement in writing that a case be dismissed, specifying the terms for payment of costs, and pay to the Clerk any fees then due, the Clerk,

without further reference to the Court, will enter an order of dismissal.

6. Counsel for Brown and the respondent have conferred and agree that, because Brown has died, his petition for writ of certiorari should be dismissed. Counsel present this joint notice of voluntary dismissal pursuant to Supreme Court Rule 46.1.
7. Counsel agree that each side will bear their own costs. Because Brown was proceeding *in forma pauperis*, there are no Court fees due.

Wherefore, premises considered, the parties request the Clerk of Court enter an order of dismissal pursuant to Supreme Court Rule 46.1.

Jointly submitted, this 10th day of September 2025.

Ken Paxton
Attorney General of Texas

/s/ Jefferson D. Clendenin
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Counsel for Petitioner

PROOF OF SERVICE

I, Donna F. Coltharp, counsel of record for Petitioner Micah Brown, certify that on September 10, 2025, I have served a copy of this application for extension of time to the following counsel for Respondent, via Federal Express overnight delivery and by email:

Jefferson D. Clendenin
Assistant Attorney General, Criminal Appeals Division
300 West 15th Street
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All parties have been served.

/s/ Donna F. Coltharp
Donna F. Coltharp
Counsel for Petitioner