

No. 25-1039

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IN THE  
**Supreme Court of the United States**

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UNITED STATES OF AMERICA,

*Petitioner,*

*v.*

JASON ROBERT HOPSON AND  
ROBERT MARCUS JOHNSTON,

*Respondent.*

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**MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS AND CERTIFICATION  
OF COUNSEL**

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*Counsel for Respondent Robert  
Marcus Johnston*

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Respondent Robert Marcus Johnston (“Mr. Johnston”) seeks leave to proceed *in forma pauperis* in the above-captioned matter pursuant to Rule 39.

The district court (the United States District Court for the Northern District of Oklahoma) found Mr. Johnston eligible for court-appointed counsel under the Criminal Justice Act, 18 U.S.C. 3006A; and the court of appeals (the United States Court of Appeals for the Tenth Circuit) appointed Mr. Bradley, counsel of record for this petition, as counsel for Mr. Johnston under that statute. Mr. Johnston has not sought leave to proceed *in forma pauperis* unsuccessfully in any other court.

Under Rule 39, an accompanying affidavit is not required in light of that appointment. A copy of the Tenth Circuit’s appointment order is appended to this motion.

Dated: March 10, 2026

Respectfully submitted.

KEITH BRADLEY  
*Counsel of Record*  
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*Counsel for Respondent*  
*Robert Marcus Johnston*

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

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

**January 13, 2026**

**Christopher M. Wolpert**  
**Clerk of Court**

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UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

ROBERT MARCUS JOHNSTON,

Defendant - Appellee.

No. 25-5130  
(D.C. No. 4:25-CR-00169-SEH-1)  
(N.D. Okla.)

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**ORDER**

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Before **HOLMES**, Chief Circuit Judge.

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This matter is before the court on the appellee’s Motion to Withdraw and for the Appointment of Conflict-Free Counsel (the “Motion”). The Federal Public Defender for the District of Colorado (the “FPD”), which was previously appointed by this court, has identified a conflict and now moves to withdraw from further representation of Defendant-Appellee Robert Marcus Johnston. Upon consideration, the Motion is granted, as provided in this order.

With the FPD’s withdrawal, the court finds that Mr. Johnston is eligible for, and the interests of justice require, the appointment of other counsel to assist with this appeal in accordance with 18 U.S.C. § 3006A. Therefore, attorney Keith Bradley is appointed as counsel for Mr. Johnston.

The court also directs as follows:

1. On or before January 27, 2026, the FPD shall transmit to Mr. Bradley copies of all documents in their possession pertinent to this appeal that are not available on PACER or CM/ECF, including all exhibits introduced at hearings and/or trial. Mr. Bradley's contact information is as follows: Keith Bradley, Squire Patton Boggs Colorado, 717 17th Street, Suite 1825, Denver, CO 80202; telephone: 303-830-1776; email: keith.bradley@squirepb.com.
2. Also by January 27, 2026, Mr. Bradley shall file and serve an entry of appearance in this case. *See* 10th Cir. R. 46.1.
3. Appellant United States filed its Motion for Summary Affirmance on January 9, 2026 [ECF 27]. The court now sets a deadline for the appellee to file a response to the United States' motion for February 3, 2026. Briefing on the merits in this appeal is tolled pending further order of this court. The February 9, 2026, due date for the United States' opening brief and appendix is vacated.
4. The clerk of this court shall transmit a copy of this order to the clerk of the district court. The FPD shall serve Mr. Johnston with a copy of this order.

Entered for the Court

Per Curiam