

No. 25-1039

IN THE
Supreme Court of the United States

UNITED STATES OF AMERICA,

Petitioner,

v.

JASON ROBERT HOPSON AND
ROBERT MARCUS JOHNSTON,

Respondent.

**RENEWED MOTION FOR LEAVE TO
PROCEED *IN FORMA PAUPERIS* AND CERTI-
FICATION OF COUNSEL**

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*Counsel for Respondent Robert
Marcus Johnston*

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: May 11, 2026

Respectfully submitted.

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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

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.)

ORDER

Before **HOLMES**, Chief Circuit Judge.

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

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

January 13, 2026

Keith Bradley
Squire Patton Boggs
717 17th Street, Suite 1825
Denver, CO 80202

RE: 25-5130, United States v. Johnston
Dist/Ag docket: 4:25-CR-00169-SEH-1

Dear Counsel:

You have been appointed as counsel for appellee under the Criminal Justice Act, 18 U.S.C. 3006A. The order appointing you has been docketed in the above-referenced appeal.

All Tenth Circuit Appellate Criminal Justice Act ("CJA") vouchers must be prepared and submitted electronically via eVoucher. eVoucher is a nationally-supported, web-based solution for the preparation, submission, monitoring and approval of CJA vouchers. The Tenth Circuit's eVoucher database can be accessed by clicking [here](#), or by pasting the following URL into your web browser:

https://evsdweb.ev.uscourts.gov/CJA_c10_prod/CJAeVoucher/

For eVoucher Technical Support please review the Court's [eVoucher Resources Page](#) (<http://www.ca10.uscourts.gov/cja/evoucher>), or contact the Clerk's Office at (303) 844-3157 or eVoucher@ca10.uscourts.gov.

For substantive questions regarding the content of a voucher, required documentation, and related issues please consult the Court's [CJA Policies and Procedures Webpage](#) (<http://www.ca10.uscourts.gov/cja/tenth-circuit-and-national-cja-policies-and-procedures>), or contact a CJA case analyst at (303) 844-5306 or CJA_Vouchers@ca10.uscourts.gov.

If an adverse decision is rendered you must advise your client of the right to seek review of this court's decision by petition for writ of certiorari. If the client requests, and you believe a petition for writ of certiorari to be legally sound, you must file one with the Clerk of the Supreme Court of the United States. *See* Criminal Justice Act Plan, 10th Cir. R., Addendum I. If you claim compensation on the CJA 20 voucher for services rendered

in petitioning for certiorari, you must attach a PDF copy of the petition in the "Documents" tab of your electronic voucher.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Wolpert", with a long horizontal flourish extending to the right.

Christopher M. Wolpert
Clerk of Court

cc: Steven Briden

CMW/mlb