

No. 25-

IN THE SUPREME COURT OF THE UNITED STATES

JORGE ENRIQUE BARRAGAN-GUTIERREZ,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for
the Tenth Circuit, No. 23-8032

Motion for Leave to Proceed *In Forma Pauperis*

Petitioner Jorge Enrique Barragan-Gutierrez move sunder Supreme Court Rule 39 for leave to file the accompanying Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*. The United States Court of Appeals for the Tenth Circuit appointed undersigned counsel to represent Mr. Barragan-Gutierrez under the Criminal Justice Act, 18 U.S.C. § 3006A. The order of appointment is attached to this Motion.

Dated: September 2, 2025.

Respectfully submitted,

s/ Adam Mueller

Adam Mueller

HADDON, MORGAN AND FOREMAN, P.C.

945 North Pennsylvania Street

Denver, CO 80203

Tel 303.831.7364

amueller@hmflaw.com

Counsel for Mr. Barragan-Gutierrez

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 23, 2023

**Christopher M. Wolpert
Clerk of Court**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JORGE ENRIQUE BARRAGAN-
GUTIERREZ,

Defendant - Appellant.

No. 23-8032
(D.C. No. 2:23-CV-00034-NDF)
(D. Wyo.)

ORDER

Before **HOLMES**, Chief Circuit Judge.

This matter is before the court *sua sponte* following the issuance of a separate order certifying three issues for appeal pursuant to 28 U.S.C. § 2253(c)(1)(B). Based upon the Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees filed by Mr. Barragan-Gutierrez on May 16, 2023, he is financially eligible for the appointment of counsel under 18 U.S.C. § 3006A. Because the interests of justice so require, Adam Mueller is appointed to represent Mr. Barragan-Gutierrez in this appeal pursuant to 18 U.S.C. § 3006A(a)(2)(B). Within 7 days of the date of this order, Mr. Mueller shall file an entry of appearance.

The record on appeal filed May 18, 2023 is available via CM/ECF and PACER. Mr. Mueller or counsel for the United States may move to supplement the record on appeal as necessary. No appendix need be filed.

No later than forty days from the date of this order, Mr. Mueller shall file a supplemental opening brief addressing the issues certified for appeal. The government shall then file a response brief, and counsel for Mr. Barragan-Guiterrez may file an optional reply brief according to the deadlines established in Federal Rule of Appellate Procedure 31(a)(1). All briefs must comply with all applicable Federal Rules of Appellate Procedure and Tenth Circuit Rules.

The Clerk shall send a copy of this order to Mr. Barragan-Guiterrez, Mr. Mueller, and counsel for the United States.

Entered for the Court,

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

CHRISTOPHER M. WOLPERT, Clerk