

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

March 5, 2024

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TODD HAROLD COOPER,

Defendant - Appellant.

No. 23-4052
(D.C. Nos. 1:16-CV-00088-JNP &
1:00-CR-00051-TC-1)
(D. Utah)

ORDER

Before **BACHARACH**, Circuit Judge.

This matter is before the court *sua sponte* following consideration of the parties' merits briefs. The court has determined that counsel should be appointed for Mr. Cooper pursuant to the Criminal Justice Act. The court has also determined that supplemental briefs should be filed.

Based upon the Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees filed by Mr. Cooper on June 20, 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. Cooper in this appeal pursuant to 18 U.S.C. § 3006A(a)(2)(B). Within seven days of the date of this order, Mr. Mueller shall file an entry of appearance.

A record on appeal has been filed in this court pursuant to Tenth Circuit Rule 11.2(B). Within 20 days of the date of this order, any party may move to supplement the record on appeal as needed. No appendix need be filed.

In addition, within 40 days of the date of this order, Mr. Mueller shall file a supplemental opening brief on Mr. Cooper's behalf addressing any issues counsel determines warrant additional briefing, in accordance with the certificate of appealability previously granted in this appeal. The government shall then file a supplemental response brief, and counsel for Mr. Cooper may file an optional supplemental reply brief according to the merits-briefing 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.

After the supplemental briefs have been filed, the court will hear oral argument in this matter. The parties will be informed of the date and time for oral argument via separate order to be issued at a later date.

The Clerk is directed to send a copy of this order to all counsel currently of record, to Mr. Cooper, and to Mr. Mueller.

Entered for the Court,

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

CHRISTOPHER M. WOLPERT, Clerk