

No. 25-848

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2025

STATE OF ALABAMA,

Petitioner,

v.

MICHAEL ANTHONY POWELL,

Respondent.

MOTION TO PROCEED *IN FORMA PAUPERIS*

Respondent Michael Powell, pursuant to Rule 39 of the Rules of the Supreme Court of the United States, respectfully requests leave to file the attached Brief in Opposition to the State of Alabama’s Petition for Writ of Certiorari to the Alabama Court of Criminal Appeals without pre-payment of costs and to proceed *in forma pauperis*.

Respondent was declared indigent prior to his trial and proceeded *in forma pauperis* in all prior proceedings in state court. The Shelby County Circuit Court appointed counsel to represent Mr. Powell in the

appeal of his capital conviction and death sentence. See Sup. Ct. R. 39(1).

This order is attached as Appendix A.

For these reasons, Mr. Powell respectfully requests that this Court grant him leave to proceed *in forma pauperis* in this Court.

Respectfully Submitted,

/s/ Angela L. Setzer

ANGELA L. SETZER

COUNSEL OF RECORD

Equal Justice Initiative

122 Commerce Street

Montgomery, AL 36104

Phone: (334) 269-1803

Fax: (334) 269-1806

Email: asetzer@ej.org

February 17, 2026

Counsel for Respondent