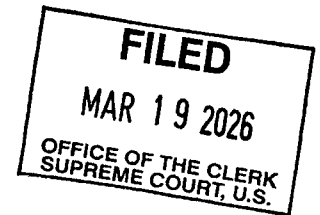


SCT
26-5114 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Frank Peck — PETITIONER
(Your Name)

VS.

Debra Borgas Wharden — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

9th Cir Ct of Appeals
Fed Dist Court Dist of NV.

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☒ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☒ The appointment was made under the following provision of law: 18 USC
3006 A (g), or

☒ a copy of the order of appointment is appended.

Document 35 and 50.

Frank Peck
(Signature)

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FRANK M. PECK,

Petitioner,

v.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:17-cv-01620-JAD-VCF

**Order Appointing Counsel, Granting
Leave to File Petition,
and Denying Remaining Motions
Without Prejudice**

[ECF Nos. 19, 20, 23, 25, 26, 27, 34]

Frank M. Peck brings this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 to challenge his 2009 Nevada State Court conviction for sexual assault.¹ Peck has filed numerous motions that are currently pending. After the court directed Peck to file an amended petition,² he moved for leave to file an enlarged petition, attaching his first amended petition. I grant his motion and direct the Clerk of Court to file Peck's First Amended Petition.³

Peck has also filed a motion asking for accommodations under the Americans with Disabilities Act,⁴ in which he alleges that he writes in pain because of the condition of his hand. He asks the court to order the prison to allow him to use a flash drive, a typewriter, or a word processor to generate his legal documents. Instead, having reviewed the claims in the petition, and having considered the possibility that petitioner might need to conduct discovery, I find that the interests of justice are best served by appointing counsel to represent Peck in this writ proceeding.⁵ So, I provisionally appoint the Federal Public Defender to represent Peck.

¹ ECF No. 1-1.

² ECF No. 18.

³ ECF No. 19-1.

⁴ 42 U.S.C. § 12101, *et seq.*

⁵ 18 U.S.C. § 3006A(a)(2)(B).

1 IT IS FURTHER ORDERED that, notwithstanding Local Rule LR IC 2-2(g), no paper
2 copies of electronically filed exhibits should be provided to chambers or to the staff attorney
3 unless later directed by the Court.

4 IT IS FURTHER ORDERED that ALL OTHER MOTIONS [ECF Nos. 20, 23, 25, 26,
5 27, and 34] are **DENIED** without prejudice.

6 DATED: March 21, 2019

7
8 
JENNIFER A. DORSEY
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28