

No. 18-756

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IN THE  
SUPREME COURT OF THE UNITED STATES

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William Gittere, Warden — PETITIONER  
(Your Name)

VS.

Jose Lorente Echavarria — 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):

United States District Court, District of Nevada

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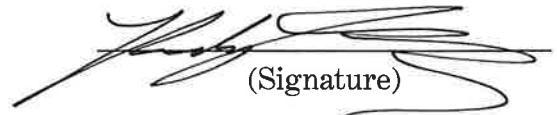
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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: \_\_\_\_\_  
\_\_\_\_\_, or

a copy of the order of appointment is appended.

  
(Signature)

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LANCE W. HESSON  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOSE LORRENTE ECHAVARRIA, )  
 )  
 Petitioner, )  
 )  
 vs )  
 )  
 E.K. McDANIEL, et al., )  
 )  
 Respondents )

Case No. CV-N-98-202-DWH(PHA)  
ORDER APPOINTING COUNSEL  
IN A DEATH PENALTY ACTION

Petitioner's motion for leave to proceed *in forma pauperis* shows that petitioner lacks the resources necessary to employ counsel to prosecute this habeas corpus proceeding in which petitioner is attacking the validity of his conviction and sentence of death. Therefore, petitioner named above being financially unable to employ counsel, and because the interests of justice so require, the Federal Public Defender for the District of Nevada shall be directed to represent, or locate counsel to represent, petitioner.

If the Federal Public Defender does not directly represent petitioner in these proceedings, then said entity shall provide a copy of the entire file in this action to counsel who agrees to undertake the representation of petitioner. Said counsel shall file a request for appointment as counsel with the court within ten (10) days after agreeing to undertake the representation. The request shall show that counsel: (1) meets the requirements of 21 U.S.C. § 848q(6) or (7); (2) will dedicate the time necessary

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1 to represent the petitioner in a timely fashion in this death penalty action with due consideration to the  
2 seriousness of the possible penalty and to the unique and complex nature of the litigation; and (3) will  
3 represent petitioner in all future federal proceedings in this court relating to this matter (including  
4 subsequent actions) and appeals therefrom, pursuant to 21 U.S.C. § 848q(8), until allowed to withdraw.

5 IT IS THEREFORE **ORDERED** that petitioner's motion for the appointment of counsel  
6 is GRANTED. The Federal Public Defender for the District of Nevada shall have thirty (30) days to  
7 undertake direct representation of petitioner or to locate counsel to represent petitioner in these  
8 proceedings. That individual shall then file a request for appointment as counsel with the court within  
9 ten (10) days after agreeing to undertake the representation.

10 Dated this 12 day of ~~April~~<sup>May</sup>, 1998.

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13 UNITED STATES DISTRICT JUDGE  
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