

No. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

GARCIA GLENN WHITE,

Petitioner,

v.

**BOBBY LUMPKIN, Director,
Texas Department of Criminal Justice, Correctional Institutions Division,**

Respondent.

On Petition for Writ of Certiorari
To the United States Court of Appeals for the Fifth Circuit

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Western District of Texas

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MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Garcia Glenn White, seeks leave to file the enclosed Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis* in accordance with Supreme Court Rule 39, and 18 U.S.C. § 3006A(d)(6).

The United States District Court for the Southern District of Texas found Mr. White could not proceed *in forma pauperis* because petitioner had insufficient funds to pay the filing fee. The District Court appointed counsel Patrick F. McCann pursuant to 21 U.S.C. § 848(q)(4)(B) & (q)(7) (now codified at 18 U.S.C. § 3599(a)(2)) on May 17, 2001. App. A. The District Court appointed co-counsel Rosa Eliades on November 6, 2001. App. B. The District Court authorized Eliades and McCann to represent Mr. White under the Criminal Justice Act and allowed Mr. White to proceed *in forma pauperis*. App. C & App. D.

On September 11, 2024, Mr. White asked the Federal Public Defender for the Western District of Texas to provide him substitute representation through her Capital Habeas Unit. Accordingly, Mr. White executed a declaration authorizing the FPD to represent him for the purpose of moving to replace appointed counsel. App. E. The FPD entered an appearance as counsel for Mr. White on September 13, 2024, through his motion for substitution of counsel. Mr. White signed another declaration on September 24, 2024, authorizing the FPD to prosecute his appeal from the denial of the substitution motion. App. F.

The filing of this petition is the continuation of counsel's representation of Mr. White to seek replacement of counsel on the grounds that he has a conflict of interest. *See* 18 U.S.C. § 3599(e). In accordance with Supreme Court Rule 39, no affidavit

declaring Mr. White's indigency is required.

WHEREFORE, Petitioner seeks leave to proceed *in forma pauperis*.

Respectfully submitted this 30th day of September 2023,

MAUREEN FRANCO
Federal Public Defender
for the Western District of Texas

/s/ Tivon Schardl
TIVON SCHARDL
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APPENDIX

A.	Order Granting Appointment of Counsel, May 17, 2021
B.	Order Granting Appointment of Co-Counsel, Nov. 6, 2001
C.	CJA 30 Form: Appointment of Attorney Rosa A. Eliades, Nov. 6, 2001
D.	CJA 30 Form: Appointment of and Authority to Pay Court Appointed Counsel Patrick F. McCann, March 13, 2002
E.	Declaration of Garcia Glenn White, Sept. 11, 2024
F.	Declaration of Garcia Glenn White, Sept. 24, 2024