

## **EXHIBIT 3**

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**October 10, 2023**

**FOR THE TENTH CIRCUIT**

**Christopher M. Wolpert**  
**Clerk of Court**

ASHLEY PARNELL,

Petitioner - Appellant,

v.

TAMIKA WHITE,

Respondent - Appellee.

No. 23-5103  
(D.C. No. 4:22-CV-00232-CVE-SH)  
(N.D. Okla.)

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**ORDER**

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Before **HOLMES**, Chief Circuit Judge.

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This matter is before the court on the Motion to Withdraw as Counsel on Appeal (the “Motion”). The Assistant Federal Public Defenders representing the appellant below seek leave of court to withdraw from further representation of the appellant in this court. The required preliminary appellate documents have been filed. *See* 10th Cir. R. 46.3(A). Upon consideration, the Motion is GRANTED, as provided in this order.

The district court previously made the requisite finding of eligibility for appointed counsel in this § 2254 proceeding pursuant to 18 U.S.C. § 3006A. The interests of justice will be served by appointing new counsel for the appellant. Therefore, attorney Blain Myhre is appointed as new counsel for the appellant.

The court also directs as follows:

1. On or before October 24, 2023, the appellant's former counsel shall transmit copies of all documents in their possession pertinent to this appeal that are not available on PACER or CM/ECF, including any exhibits introduced at district court hearings, to Mr. Myhre (address: Blain Myhre LLC, P.O. Box 3600, Englewood, CO 80155; email: blainmyhre@gmail.com).

2. Also by October 24, 2023, Mr. Myhre shall file and serve an entry of appearance in this court. *See* 10th Cir. R. 46.1.

3. This appeal is fully perfected. If Mr. Myhre wishes to supplement the designation of record or transcript order form on file in the district court, he is directed to do so by October 30, 2023. Service notice should be provided to this court as necessary.

4. The Clerk of the U.S. District Court for the Northern District of Oklahoma shall wait until at least October 31, 2023, before transmitting the record on appeal to this court. If amendments or supplements to either the designation of record or transcript order form are filed, Mr. Myhre should ensure that the different and/or additional materials are included in the record on appeal when filed.

5. The Clerk's Office shall transmit a copy of this order to the Clerk of the U.S. District Court for the Northern District of Oklahoma. Prior counsel shall transmit a copy of this order to the appellant promptly.

6. Lastly, briefing will begin after the district court transmits the record on appeal to this court. As a reminder, no certificate of appealability has been issued at this

time, so the appellee will not be required to file a response brief unless this court directs one to be filed. 10th Cir. R. 22.1(B).

Entered for the Court  
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith  
Counsel to the Clerk