

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

[REDACTED]

Plaintiff,

v.

[REDACTED]

Defendant.

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[REDACTED]

ORDER APPOINTING DEFENSE COUNSEL

The court enters the following order pursuant to its authority to appoint counsel.¹ Defendant [REDACTED] is unrepresented in the above-captioned matter. Title 28 U.S.C. Section 1915(e)(1) (“Section 1915(e)(1)”), allows the court to appoint “an attorney to represent any person unable to afford counsel.”² “[W]here a district court has determined that exceptional circumstances warrant appointment of counsel and has unsuccessfully attempted to secure non-compulsory appointment, the court may invoke its inherent power to order an attorney to represent an indigent civil rights litigant *pro bono*.”³ This inherent power exists where necessary to serve the proper administration of justice.⁴

The court finds it in the interest of justice to appoint counsel for Defendant. As such, [REDACTED] shall be appointed as defense counsel pursuant to Section 1915(e)(1).

¹ 28 U.S.C. § 1915(e)(1).

² *Id.*

³ *Naranjo v. Thompson*, 809 F.3d 793, 802 (5th Cir. 2015).

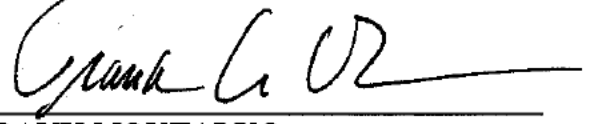
⁴ *Id.* at 802.

[REDACTED]

Accordingly, the court enters the following orders:

1. It is **HEREBY ORDERED** that Attorney [REDACTED] El Paso, Texas [REDACTED] is **APPOINTED** to represent Defendant in this cause.
2. It is **FURTHER ORDERED** that [REDACTED] is entitled to collect allowable and approved attorney's fees and reimbursable expenses in accordance with the "Amended Plan for the Payment of Attorney's Fees and Reimbursement of Expenses in Civil Cases" (amended May 5, 2011).⁵ Fees (including expert fees, if any) and expenses shall not exceed \$3,500.

SIGNED AND ENTERED this 30 day of November 2021.



FRANK MONTALVO
UNITED STATES DISTRICT JUDGE

⁵ <https://tinyurl.com/texasform>

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

[REDACTED],
Petitioner,
v. [REDACTED]
[REDACTED],
Respondent.

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SECOND AMENDED ORDER APPOINTING DEFENSE COUNSEL

The court amends “Amended Order Appointing Defense Counsel” (“Order”) [ECF No. 25] entered November 30, 2021. Therein, the court appointed [REDACTED] ([REDACTED]) to represent Respondent [REDACTED].¹ The court ordered that “[REDACTED] [REDACTED] is entitled to collect allowable and approved attorney’s fees and reimbursable expenses in accordance with the ‘Amended Plan for the Payment of Attorney’s Fees and Reimbursement of Expenses in Civil Cases’ . . . Fees (including expert fees, if any) and expenses shall not exceed \$3,500.”² On February 22, 2022, final judgment was rendered in favor of Respondent [REDACTED].³ Upon consideration of the complexity of the legal issues and [REDACTED]’s experience and skill level, the court finds good cause to modify the maximum amount of fees and expenses from \$3,500 to \$5,400. The remainder of the Order remains in full force and effect.

¹ “Amended Order Appointing Defense Counsel” 2, ECF No. 25, entered Nov. 30, 2021.
² *Id.*
³ “Findings of Fact and Conclusions of Law” 8, ECF No. 53, entered Feb. 22, 2022.

[REDACTED]

Accordingly, it is **HEREBY ORDERED** that Attorney [REDACTED] is entitled to collect allowable and approved attorney's fees and reimbursable expenses in accordance with the "Amended Plan for the Payment of Attorney's Fees and Reimbursement of Expenses in Civil Cases."⁴ Fees (including expert fees, if any) and expenses shall not exceed \$5,400.

SIGNED AND ENTERED this **4th** day of **March 2022**.



FRANK MONTALVO
UNITED STATES DISTRICT JUDGE

⁴ See generally "Order Adopting Amended Plan for the Payment of Attorney Fees and Reimbursement of Attorney Expenses in Civil Cases" 1, entered July 29, 2021, <https://tinyurl.com/texasform>.