

United States District Court
Southern District of Texas

ENTERED

September 24, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TRAVIS JAMES MULLIS,

Petitioner,

v.

LORIE DAVIS, Director, Texas Department
of Criminal Justice, Correctional Institutions
Division,

Respondent.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. G-13-121

ORDER

On July 23, 2018, Mullis filed a Pro-Se Motion to Waive Appeals and Terminate Counsel. (Docket Entry No. 105). In a telephonic hearing held on September 12, 2018, the Court questioned Mullis and found that it is appropriate to begin the process necessary to determine his competency to waive federal review and dismiss his attorneys. The Court therefore, **ORDERS** that Mullis be examined by:

Dr. Timothy James Proctor
11882 Greenville Avenue, Suite 107
Dallas, Texas 75243
(972) 644-8686 (Telephone)
(972) 644-8688 (Fax)

Dr. Proctor will determine whether Mullis is competent to waive federal habeas review, evaluating “whether he has capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation or on the other hand whether he is suffering from a mental disease, disorder, or defect which may

substantially affect his capacity in the premises.” *Lopez v. Stephens*, 783 F.3d 524, 525 (5th Cir. 2015)

The Court **ORDERS** that the warden of the Polunsky Unit, or whosoever may have custody of Mullis, shall permit Dr. Proctor to visit and examine Mullis for the purpose of this competency evaluation.

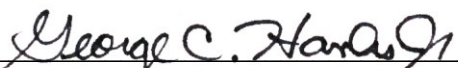
The Court **ORDERS** the parties to provide Dr. Proctor any necessary records.

Dr. Proctor shall, within a reasonable time of conducting the examination discussed above, provide all parties and the Court with a written report describing his findings upon examination of Mullis.

A court-appointed expert “is entitled to a reasonable compensation.” FED. R. EVID. 706(c). A district court may tax the “compensation of court appointed experts” as costs pursuant to 28 U.S.C. § 1920(6). The Court assigns the cost for Dr. Proctor’s evaluation to be shared equally between the parties. Dr. Proctor may bill each party for half the cost of his services.

The Clerk will enter this Order and send copies to the attorneys of record, Dr. Timothy James Proctor. and **Travis James Mullis, TDCJ Number 999563**, Allan B. Polunsky Unit, 3872 FM 350 South, Livingston, TX 77351.

SIGNED at Galveston, Texas, this 24th day of September, 2018.



George C. Hanks Jr.
United States District Judge