CASE NO. _____ (CAPITAL CASE) (18A654)

IN THE SUPREME COURT OF THE UNITED STATES

CHARLES RUSSELL RHINES, *Petitioner*,

v.

DARIN YOUNG, WARDEN, SOUTH DAKOTA STATE PENITENTIARY, Respondent.

On Petition for a Writ of Certiorari to
The United States Court of Appeals for the Eighth Circuit

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Charles Russell Rhines, through undersigned counsel, seeks leave to file the attached Petition for a Writ of Certiorari without prepayment of fees and costs and to proceed *in forma pauperis* pursuant to Rule 39 of the Rules of this Court.

The U.S. District Court for the District of South Dakota granted Mr. Rhines's motion to proceed in forma pauperis in these capital habeas corpus proceedings (Attachment A), and appointed counsel to represent him, including, most recently, the Federal Public Defender for the Districts of South Dakota and North Dakota and the Federal Community Defender Office for the Eastern District of Pennsylvania (Attachments B and C). The U.S. Court of Appeals for the Eighth Circuit appointed the Federal Public Defender to continue to represent Mr. Rhines on his appeal from the denial of the writ of habeas corpus. *See* Attachment D.

Mr. Rhines also previously sought and was granted leave to proceed *in forma pauperis* in this Court. *See Rhines v. Weber*, 544 U.S. 269 (2005). There have not been material changes in

his financial circumstances since that time. Since 1993, Mr. Rhines has been incarcerated continuously at the South Dakota State Penitentiary.

Respectfully submitted,

Placedi Van Ilgh

Neil Fulton
Federal Public Defender
Jason J. Tupman
First Assistant Federal Public Defender
Office of the Federal Public Defender
Districts of South Dakota and
North Dakota
200 W. 10th Street, Suite 200
Sioux Falls, SD 57104
(605) 330-4489

Claudia Van Wyk*
Stuart Lev
Assistant Federal Defenders
Federal Community Defender Office
for the Eastern District of Pennsylvania
601 Walnut Street, Suite 545 West
Philadelphia, PA 19106
(215) 928-0520

*Counsel of Record Member of the Bar of the Supreme Court

Counsel for Petitioner, Charles Russell Rhines

Dated: February 15, 2019



UNITED STATES DISTRICT COURT

FILED

DISTRICT OF SOUTH DAKOTA

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WESTERN DIVISION

CHARLES RUSSELL RHINES,) Civ. 00-5020-KES CLEAR
Petitioner,)
VS.) ORDER GRANTING MOTION) TO PROCEED
DOUGLAS WEBER, Warden, South) IN FORMA PAUPERIS
Dakota State Penitentiary,)
Respondent.))

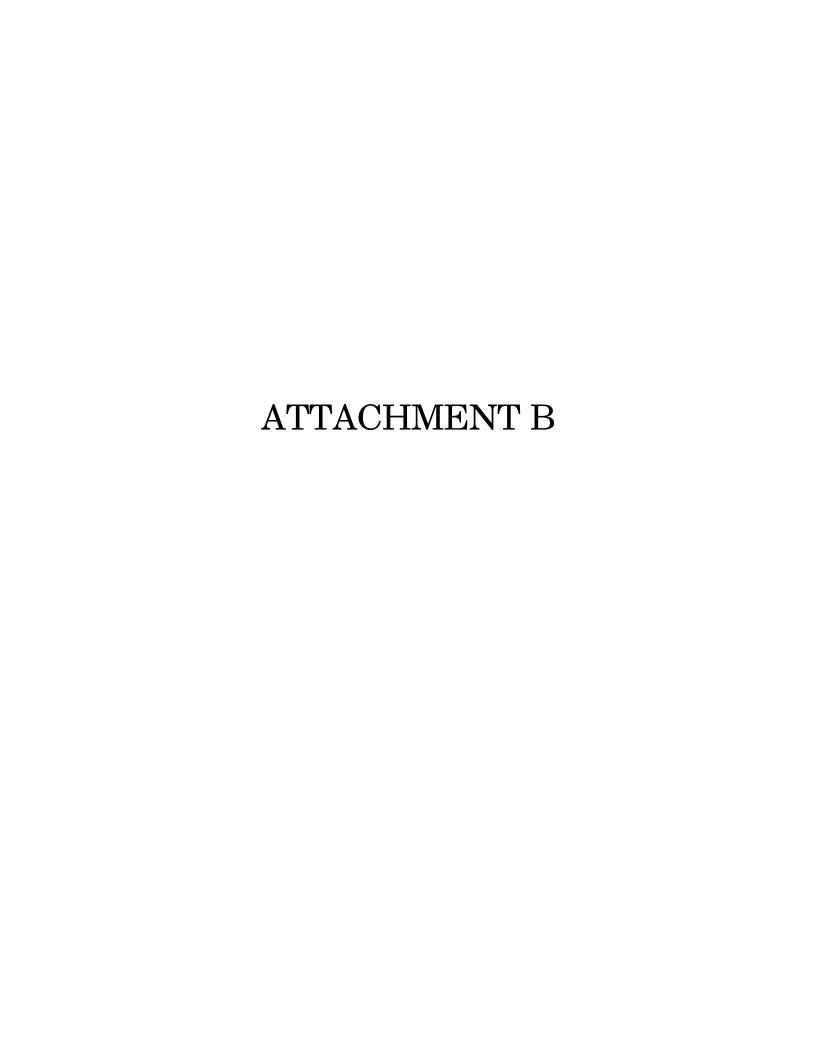
Petitioner herein, a prisoner at the South Dakota State Penitentiary, has submitted a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, together with an application to proceed without prepayment of fees and affidavit. The Court has reviewed these documents, and it is hereby

ORDERED that petitioner's request to proceed in forma pauperis is granted. Dated March 3, 2000.

BY THE COURT:

KAŘEN E. SCHREIER

UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

CHARLES RUSSELL RHINES,) Civ. 00-5020-KES
Petitioner,	
vs.) ORDER APPOINTING COUNSEL
DOUGLAS WEBER, Warden,)
South Dakota State Penitentiary,	
Respondent.)

Roberto A. Lange has withdrawn as attorney of record from this case. It is hereby

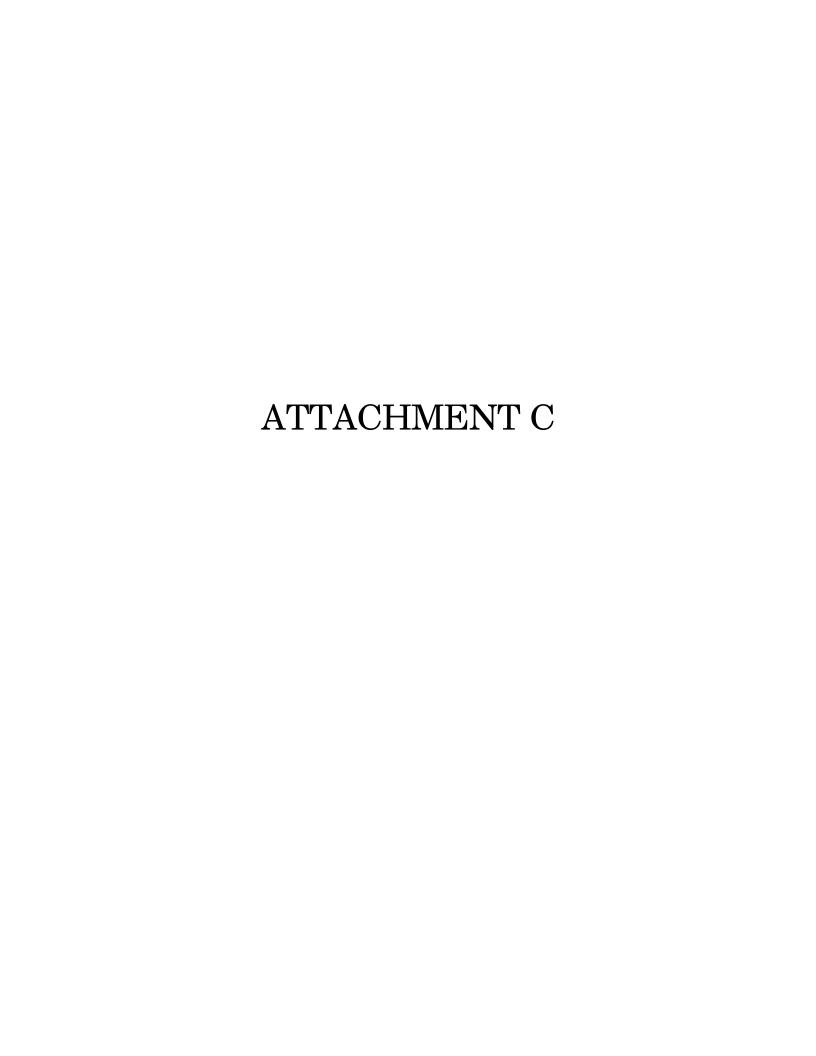
ORDERED that the Federal Public Defender's Office for the District of South Dakota is appointed as co-counsel to represent petitioner together with lead counsel Charles M. Rogers.

Dated December 10, 2009.

BY THE COURT:

/s/ Karen E. Schreier KAREN E. SCHREIER

CHIEF JUDGE



UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA WESTERN DIVISION

CHARLES RUSSELL RHINES,

5:00-CV-05020-KES

Plaintiff,

ORDER APPOINTING COUNSEL

vs.

DARIN YOUNG, Warden, South Dakota State Penitentiary;

Defendant.

The court previously granted the motion to withdraw by attorney Carol R. Camp. Assistant Federal Public Defender Jason J. Tupman moves the court to appoint additional counsel to represent petitioner. Respondent objects. It is

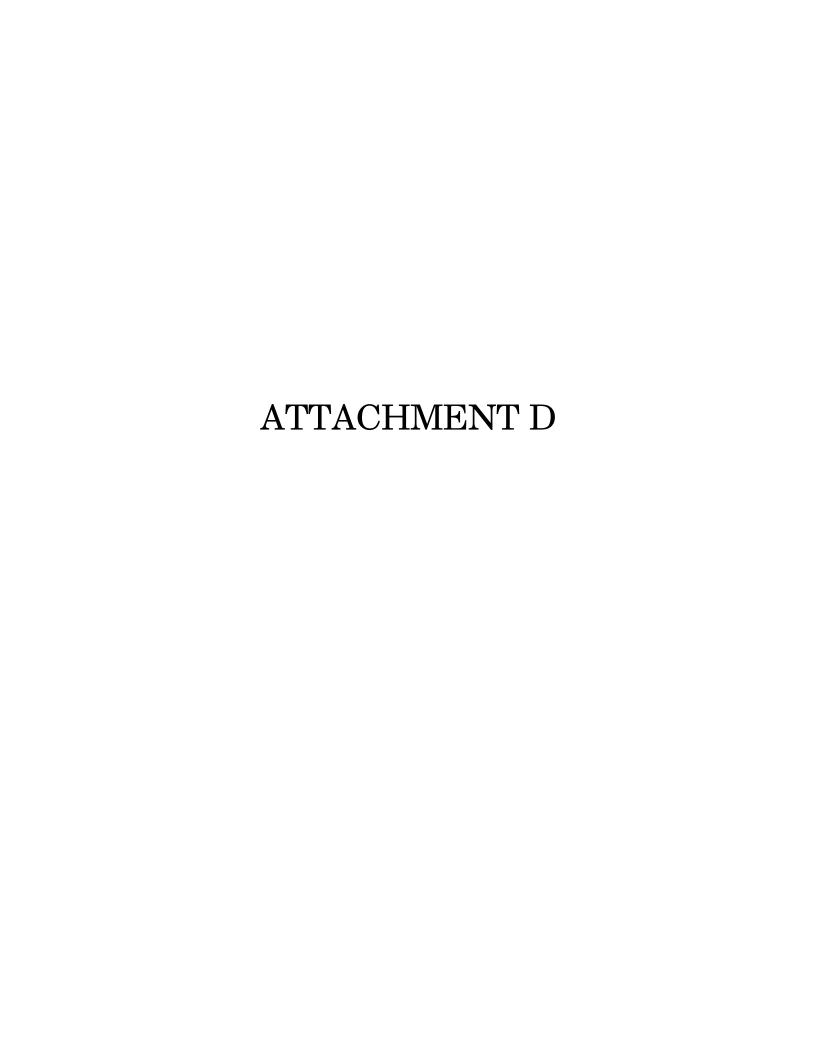
ORDERED that petitioner's motion (Docket 352) is granted. The Federal Community Defender for the Eastern District of Pennsylvania is appointed as co-counsel to represent petitioner together with lead counsel the Federal Public Defender's Office for the District of South Dakota.

Dated July 29, 2016.

BY THE COURT:

/s/Karen E. Schreier

KAREN E. SCHREIER UNITED STATES DISTRICT JUDGE



UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No: 16-3360

Charles Russell Rhines

Appellant

v.

Darin Young, Warden, South Dakota State Penitentiary

Appellee

Appeal from U.S. District Court for the District of South Dakota - Rapid City (5:00-cv-05020-KES)

ORDER

IT IS ORDERED that the Federal Public Defender for the District of South Dakota is hereby appointed to represent (or to continue to represent) the above named appellant in all matters pertaining to this action before this Court.

August 15, 2016

Order Entered under Rule 27A(a): Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

Appellate Case: 16-3360 Page: 1 Date Filed: 08/15/2016 Entry ID: 4437501