

No.

IN THE  
SUPREME COURT OF THE UNITED STATES

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DEMETRIUS FRAZIER,  
*Petitioner,*

v.

STATE OF ALABAMA,  
*Respondent.*

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On Petition for a Writ of Certiorari  
to the Alabama Supreme Court

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MOTION TO PROCEED IN FORMA PAUPERIS

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Christine A. Freeman, Executive Director  
Natalie Carroll Rezek Olmstead\*  
John Anthony Palombi  
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*\*Counsel of Record*

March 29, 2019

Petitioner, Demetrius Frazier, respectfully moves this Court, pursuant to Rule 39 of the Rules of the Supreme Court of the United States for leave to proceed in this matter *in forma pauperis* without payment of cost or fees. Mr. Frazier was declared indigent and proceeded *in forma pauperis* in all of the prior state proceedings in this case. *See* Attachment A. Further, Mr. Frazier has been declared indigent in a 2254 proceeding pending in the Northern District of Alabama, 2:18-cv-01899-RDP. The Federal Defenders for the Middle District of Alabama, including undersigned counsel, have been appointed to represent him. *See* Order dated 1/7/2019, Attachment B.

Respectfully submitted,

*Natalie Olmstead*

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Natalie C.R. Olmstead, Esq. – *Counsel of Record for Petitioner*  
Supreme Court Bar # 290956  
Christine Freeman, Executive Director  
John Anthony Palombi, Esq.  
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817 S. Court Street  
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**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

STATE OF ALABAMA	)	
	)	
V.	)	Case No.: CC-1995-002606.61
	)	
FRAZIER DEMETRIUS TERRENCE	)	
Defendant.	)	

**ORDER**

AFFIDAVIT OF SUBSTANTIAL HARDSHIP filed by FRAZIER DEMETRIUS TERRENCE is hereby GRANTED.

**DONE this 4<sup>th</sup> day of August, 2017.**

**/s/ T. TODD**  
\_\_\_\_\_  
**CIRCUIT JUDGE**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**DEMETRIUS FRAZIER,**

**Petitioner,**

**v.**

**JEFFERSON S. DUNN,  
COMMISSIONER OF THE ALABAMA  
DEPARTMENT OF CORRECTIONS,**

**Respondent.**

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**Case No.: 2:18-cv-01899-RDP**


**ORDER**

This case is before the court on Petitioner’s Motion to Proceed *In Forma Pauperis* (Doc. # 2) and Motion for Appointment of Counsel (Doc. # 3).

The court finds that Petitioner is indigent, and the Motion to Proceed *In Forma Pauperis* (Doc. # 2) is therefore **GRANTED**. The Clerk is **DIRECTED** to file this action without prepayment of a fee.

Petitioner’s Motion for Appointment of Counsel (Doc. # 3) is also **GRANTED** pursuant to 18 U.S.C. § 3599(a)(2). The court therefore **APPOINTS** John A. Palombi and Natalie C.R. Olmstead of the Federal Defenders for the Middle District of Alabama to represent Petitioner in this matter.

**DONE and ORDERED** this January 7, 2019.

  
**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE