#### No.

## IN THE SUPREME COURT OF THE UNITED STATES

#### DEMETRIUS FRAZIER,

Petitioner,

v.

## STATE OF ALABAMA, Respondent.

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

#### MOTION TO PROCEED IN FORMA PAUPERIS

Christine A. Freeman, Executive Director Natalie Carroll Rezek Olmstead\* John Anthony Palombi Federal Defenders, Middle District of Alabama 817 S. Court Street Montgomery, Alabama 36104 Telephone: 334.834.2099

Email: natalie\_olmstead@fd.org

\*Counsel of Record

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

Natalie C.R. Olmstead, Esq. - Counsel of Record for Petitioner

Supreme Court Bar # 290956

Christine Freeman, Executive Director

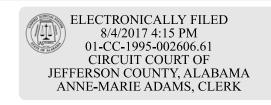
John Anthony Palombi, Esq.

Federal Defenders for the Middle District of Alabama

817 S. Court Street

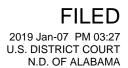
Montgomery, AL 36104

(334)-834-2099



# IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA BIRMINGHAM DIVISION

	/s/ T. TODD CIRCUIT JUDG	E		
DONE this 4th day of August, 2017.				
AFFIDAVIT OF SUBSTANTIAL HARDS is hereby GRANTED.	SHIP filed by FRAZ	IER DEMETRIUS TERRENCE		
ORDER				
V. FRAZIER DEMETRIUS TERRENCE Defendant.	) ) Case No.: ) ) )	CC-1995-002606.61		
CELEBRO OF ALL ARABANA				



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

DEMETRIUS FRAZIER,	}	
	}	
Petitioner,	}	
	}	
v.	}	Case No.: 2:18-cv-01899-RDP
	}	
JEFFERSON S. DUNN,	}	
COMMISSIONER OF THE ALABAMA	}	
DEPARTMENT OF CORRECTIONS,	}	

Respondent.

#### **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