

No. 21-

IN THE SUPREME COURT OF THE UNITED STATES

JAMES ALLYSON LEE,
Petitioner,

-v-

BENJAMIN FORD, Warden,
Georgia Diagnostic and Classification Prison,
Respondent

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner James Allyson Lee, through undersigned counsel, moves pursuant to Supreme Court Rule 39.1 for leave to proceed *in forma pauperis* in his concurrently filed Petition for Writ of Certiorari. Mr. Lee is indigent and has been appointed counsel in state and federal court.

As to his federal proceedings, the United States District Court for the Southern District of Georgia issued an order appointing counsel pursuant to 18 U.S.C. § 3599. *See* attached Order, at Appendix A. The Eleventh Circuit Court of Appeals likewise issued an order appointing counsel pursuant to 18 U.S.C. § 3599. *See* attached Order, at Appendix B.

Undersigned counsel hereby certify that Mr. Lee remains indigent. Mr. Lee requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Marcia A. Widder
Marcia A. Widder (Ga. 643407)
Counsel of Record
Georgia Resource Center
104 Marietta Street NW, Suite 260

Atlanta, Georgia 30303
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COUNSEL FOR PETITIONER

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
APR 2 2010

2010 APR -2 AM 11:19

CLERK
SOUTHERN DISTRICT OF GA.
[Signature]

JAMES ALLYSON LEE,

Petitioner,

v.

STEPHEN UPTON, Warden,

Respondent.

CIVIL ACTION NO.: CV510-017

ORDER

Petitioner, an inmate at Georgia Diagnostic Prison in Jackson, Georgia, seeks to file *in forma pauperis* an action under 28 U.S.C. § 2254 contesting the legality of his confinement. Petitioner attacks convictions and sentence obtained in the Superior Court of Charlton County, Georgia. The Petitioner appears to be indigent; therefore, the Court **GRANTS** Petitioner leave to proceed *in forma pauperis*.

SO ORDERED, this 2nd day of April, 2010.

[Signature]

JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE

APPENDIX B

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

May 09, 2019

Marcia A. Widder
Georgia Resource Center
303 ELIZABETH ST. NE
ATLANTA, GA 30307

Appeal Number: 19-11466-P
Case Style: James Lee v. Warden GDP
District Court Docket No: 5:10-cv-00017-LGW

Party To Be Represented: James Allyson Lee

Dear Counsel:

We are pleased to advise that you have been appointed to represent on appeal the indigent litigant named above. This work is comparable to work performed pro bono publico. The fee you will receive likely will be less than your customary one due to limitations on the hourly rate of compensation contained in the Criminal Justice Act (18 U.S.C. § 3006A), and consideration of the factors contained in Addendum Four § (g)(1) of the Eleventh Circuit Rules.

Supporting documentation and a link to the CJA eVoucher application are available on the internet at <http://www.ca11.uscourts.gov/attorney-info/criminal-justice-act>. **For questions concerning CJA eVoucher please contact our CJA Team by email at cja_evoucher@ca11.uscourts.gov or phone 404-335-6167.** For all other questions, please call the "Reply To" number shown below.

Every motion, petition, brief, answer, response and reply filed must contain a Certificate of Interested Persons and Corporate Disclosure Statement (CIP). Appellants/Petitioners must file a CIP within 14 days after the date the case or appeal is docketed in this court; Appellees/Respondents/Intervenors/Other Parties must file a CIP within 28 days after the case or appeal is docketed in this court, regardless of whether appellants/petitioners have filed a CIP. See FRAP 26.1 and 11th Cir. R. 26.1-1.

On the same day a party or amicus curiae first files its paper or e-filed CIP, that filer must also complete the court's web-based CIP at the [Web-Based CIP](#) link on the court's website. Pro se

filers (except attorneys appearing in particular cases as pro se parties) are **not required or authorized** to complete the web-based CIP.

Your claim for compensation under the Act should be submitted within 60 days after issuance of mandate or filing of a certiorari petition. We request that you enclose with your completed CJA Voucher one additional copy of each brief, petition for rehearing, and certiorari petition which you have filed. Please ensure that your voucher includes a detailed description of the work you performed. Thank you for accepting this appointment under the Criminal Justice Act.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: David L. Thomas
Phone #: (404) 335-6171

CJA-1 Appointment of Counsel Letter

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CERTIFICATE OF SERVICE

Pursuant to Supreme Court Rule 29.5(a), I certify that a copy of the Motion to Proceed *In Forma Pauperis* was sent via 1st Class Mail to the U.S. Supreme Court and a digital copy was sent to counsel for the Respondent by electronic mail on September 16, 2021. The parties have consented to electronic service. Respondent's counsel's name, address, and telephone number are set forth below:

Sabrina D. Graham, Esp.
Senior Assistant Attorney General
Georgia Office of the Attorney General
Capital Litigation Section
40 Capitol Square, SW
Atlanta, GA 30334
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Respectfully submitted,

/s/ Marcia A. Widder
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