

No. \_\_\_\_\_

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IN THE  
Supreme Court of the United States

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ASKIA MUSTAFA RAHEEM,  
Petitioner,  
v.

GDCP WARDEN,  
Respondent.

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On Petition for a Writ of Certiorari  
To the United States Court of Appeals  
For the Eleventh Circuit

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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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\*Mark E. Olive  
LAW OFFICES OF MARK E. OLIVE, P.A.  
320 West Jefferson Street  
Tallahassee, Florida 32301  
850/224-0004

Gretchen M. Stork  
FEDERAL DEFENDER PROGRAM, INC.  
101 Marietta Street, NW, Suite 1500  
Atlanta, Georgia 30303  
404/688-7530

Counsel for Mr. Raheem

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COMES NOW Petitioner, Askia Mustafa Raheem, by and through his undersigned counsel, and, pursuant to Rule 39, Rules of the Supreme Court of the United States, moves this Court for an Order granting him leave to proceed in forma pauperis, and without prepayment of fees. In support thereof, Petitioner shows this Court the following:

1) Petitioner currently is confined under a sentence of death at the Georgia Diagnostic and Classification Prison in Jackson, Georgia. He was permitted to proceed as an indigent without payment of costs and fees in the United States District Court for the Northern District of Georgia and the United States Court of Appeals for the Eleventh Circuit throughout the proceedings below.

2) Petitioner remains indigent and files herewith a petition for writ of certiorari from this Court to the Eleventh Circuit Court of Appeals, which denied Petitioner's appeal of the district court's dismissal of his petition for writ of habeas corpus by a prisoner in state custody on April 26, 2021 and denied his timely-filed petition for rehearing and rehearing en banc on June 22, 2021.

3) The order of the United States District Court finding Mr. Raheem to be indigent and appointing undersigned counsel is attached as Exhibit A.

WHEREFORE, Petitioner respectfully requests that this Court grant his motion and allow Petitioner to proceed in forma pauperis and without prepayment

of costs.

This, the 19th day of November, 2021.

/s/ Mark E. Olive

\*Mark E. Olive

Law Offices of Mark E. Olive, P.A.

320 West Jefferson Street

Tallahassee, Florida 32301

850/224-0004

Gretchen M. Stork

Federal Defender Program, Inc.

101 Marietta Street, NW, Suite 1500

Atlanta, Georgia 30303

404/688-7530

Counsel for Mr. Raheem

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>ASKIA MUSTAFA RAHIM,</b>	:	
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>CIVIL ACTION NO.</b>
	:	<b>1:11-CV-1694-AT</b>
	:	
<b>CARL HUMPHREY, Warden,</b>	:	
<b>Georgia Diagnostic Prison,</b>	:	
	:	
<b>Respondent.</b>	:	

**ORDER**

This case is before the Court on petitioner Askia Mustafa Raheem’s application for leave to proceed in forma pauperis [Doc. 2] and motion to appoint counsel under the Criminal Justice Act [Doc. 3].

As to Petitioner’s application to proceed in forma pauperis, the Court has reviewed Petitioner’s affidavit of poverty, and finds that Petitioner has insufficient funds to pay the filing fee. It is therefore **ORDERED** that Petitioner’s application for leave to proceed in forma pauperis [Doc. 2] is **GRANTED**.

As to the motion to appoint counsel, Petitioner requests that the Court appoint Mark E. Olive, a private attorney from Tallahassee, Florida, and Gretchen M. Stork of the Federal Defender Program as counsel in this case. The Court held a telephone conference with all parties on June 15, 2011 in order to inform Respondent’s counsel


that the Court intended to have an ex parte conference with Petitioner's counsel regarding the appointment of counsel and related budget issues. Respondent's counsel did not object to this ex parte conference. The Court then held an ex parte conference with Mr. Olive and Ms. Stork on June 16, 2011 to determine if their appointment would be in conformity with 18 U.S.C. § 3599, Guideline for the Administration of the Criminal Justice Act ("Guideline") § 620.10.20, and Appendix D to the Local Court Rules for the United States District Court for the Northern District of Georgia.

Mr. Olive is a member in good standing of the State Bar of Georgia and is admitted to practice in the Northern District of Georgia. He was admitted to the United States Court of Appeals for the Eleventh Circuit in 1986, and has been appointed previously to represent capital habeas petitioners in this district. Mr. Olive has extensive experience litigating capital habeas cases and represented Mr. Raheem in the state habeas proceeding.

Ms. Stork is a staff attorney in the Federal Defender Program's capital habeas unit. She is admitted to practice in the Northern District of Georgia and was admitted to the U.S. Court of Appeals for the Eleventh Circuit in 1997. Ms. Stork has been appointed previously to represent capital habeas petitioners in this district, and has substantial experience in litigating capital habeas cases.

For the foregoing reasons, the Court finds that Mark E. Olive and Gretch M. Stork meet the standards of 18 U.S.C. § 3599, Guideline § 620.60.20, and Appendix D to the Local Rules, and **GRANTS** Petitioner's motion to appoint counsel. Pursuant to 18 U.S.C. § 3599, the Court **APPOINTS** Mark E. Olive and Gretchen M. Stork as Petitioner's counsel in this matter.

**IT IS SO ORDERED**, this 16th day of June, 2011.

  
**AMY TOTENBERG**  
**UNITED STATES DISTRICT JUDGE**