

No. _____

IN THE
Supreme Court of the United States

TAI A. PHAM,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, AND
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents.

*On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eleventh Circuit*

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Tai A. Pham (“Pham”), by and through undersigned counsel, asks leave of this Court, pursuant to Supreme Court Rule 39, to proceed *in forma pauperis* without prepayment of costs in connection with his petition for a writ of certiorari. Pham is an indigent prisoner currently serving a life-sentence in the Florida Department of Corrections.

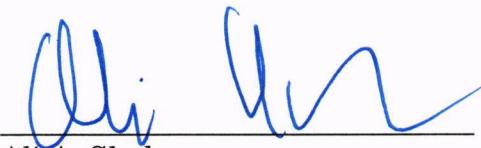
Pham has previously been granted leave to proceed *in forma pauperis* in the lower courts in this case, including the United States District Court for the Middle District of Florida and the United States Court of Appeals for the Eleventh Circuit. *See* Attachment A. An affidavit of indigency is not attached to this motion because

the lower federal courts appointed counsel in the current proceeding pursuant to 18 U.S.C. § 3006A.

Pursuant to Supreme Court Rule 39, Pham respectfully requests that he be allowed to proceed *in forma pauperis*.

Respectfully submitted,


Adrienne Joy Shepherd*
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February 7, 2024
Date

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ATTACHMENT A

March 31, 2023 Letter from the Eleventh Circuit Court of Appeals Appointing
Attorney Adrienne Shepherd

and

October 11, 2019 United States District Court for the Middle District of Florida
Order Appointing Capital Collateral Regional Counsel- Middle Region

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

March 31, 2023

Adrienne Shepherd
Capital Collateral Regional Counsel
12973 N TELECOM PKWY
TEMPLE TERRACE, FL 33637

Appeal Number: 23-11009-H
Case Style: Tai Pham v. Secretary, Florida Department of Corrections, et al
District Court Docket No: 6:15-cv-02100-RBD-EJK

Party To Be Represented: Tai A. Pham

Dear Counsel:

You have been appointed to represent the above-named individual on appeal pursuant to the Criminal Justice Act (CJA), 18 U.S.C. § 3006A. The compensation you will receive will be based on the provisions of the CJA, Volume 7 of the *Guide to Judiciary Policy*, and the factors in Addendum Four § (g)(1) of the Eleventh Circuit Rules.

Information, documentation, and a link to the CJA eVoucher application are available at <http://www.ca11.uscourts.gov/attorney-info/criminal-justice-act>. For questions concerning eVoucher please contact the Clerk's Office CJA Team at cja_evoucher@ca11.uscourts.gov or 404-335-6167. For all other questions, please call the "Reply To" number shown below.

Your claim for compensation under the CJA should be submitted no later than 60 days after issuance of the mandate or the filing of a petition for a writ of certiorari, whichever is later. When you submit your voucher, include a description of the services you provided and upload in eVoucher each brief, petition for rehearing, and certiorari petition you filed on behalf of your client.

Certificate of Interested Persons and Corporate Disclosure Statement ("CIP")
Every motion, petition, brief, answer, response, and reply must contain a CIP. See FRAP 26.1; 11th Cir. R. 26.1-1. In addition:

- Appellants/Petitioners must file a CIP within 14 days after this letter's date.
- Appellees/Respondents/Intervenors/Other Parties must file a CIP within 28 days after this letter's date, regardless of whether Appellants/Petitioners have filed a CIP.

- Only parties represented by counsel must complete the web-based CIP. Counsel must complete the web-based CIP, through the [Web-Based CIP](#) link on the Court's website, on the same day the CIP is first filed.

The failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), no action taken on deficient documents, or other sanctions on counsel, the party, or both. See 11th Cir. R. 26.1-5(c).

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
New / Before Briefing Cases:	404-335-6135	Capital Cases:	404-335-6200
Cases in Briefing / After Opinion:	404-335-6130	CM/ECF Help Desk:	404-335-6125
Cases Set for Oral Argument:	404-335-6141		

CJA-1 Appointment of Counsel Letter

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

TAI A. PHAM,

Petitioner,

v.

CASE NO. 6:15-cv-2100-Orl-37EJK

SECRETARY, DEPARTMENT
OF CORRECTIONS, et al.,

Respondents.

ORDER

This cause is before the Court on Petitioner's Notice Regarding Status of the Case. (Doc. 52). Petitioner is a prisoner in the State of Florida who was initially sentenced to death. On August 14, 2019, the Court entered an Order staying the case pending a new penalty phase proceeding in the state court. (Doc. 50).

Counsel for Petitioner advises the Court that on September 23, 2019, the state court sentenced Petitioner to a term of life in prison. (Doc. 52 at 3). Petitioner notes that several claims contained in his Petition for Writ of Habeas Corpus are now moot; however, his guilt phase claims contained in Claims Two, Three, Four, and Six remain pending and are ripe for disposition. (*Id.* at 3-4). Accordingly, because the state court proceedings have concluded, the Court will lift the administrative stay.

Counsel also asks the Court to exercise its discretion and allow the Capital Collateral Regional Counsel - Middle Region ("CCRC-Middle") to continue to represent Petitioner in these proceedings. (*Id.* at 4). The attorneys note that they do not intend to

file a Reply in this action but do anticipate representing Petitioner in any appellate proceedings. (*Id.*). The Court finds that due to the complex legal concepts involved in this action and Petitioner's language and mental health difficulties, the interests of justice would be served by allowing the CCRC-Middle to continue with its representation of Petitioner. *See* 18 U.S.C. § 3006A (a)(2)(B) (providing that a district court may, in the interests of justice, appoint an attorney to anyone who is seeking habeas relief under 28 U.S.C. § 2254 and is financially unable to obtain adequate representation); 28 U.S.C. § 1915(e) (giving a district court discretion to appoint an attorney to anyone unable to afford counsel).

Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Clerk shall **LIFT THE STAY** and **ADMINISTRATIVELY REOPEN** this case. The action will proceed on the guilt phase claims of the Petition for Writ of Habeas Corpus.

2. The request for the Capital Collateral Regional Counsel – Middle Region to continue its representation of Petitioner in this matter is **GRANTED**.

DONE AND ORDERED at Orlando, Florida, on October 11, 2019.





ROY B. DALTON JR.
United States District Judge

Copies to:
OrlP-3 10/10
Counsel of Record