

CASE NO. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

RAYMOND E. OLIVIER,  
Petitioner,

versus

UNITED STATES OF AMERICA,  
Respondent.

\_\_\_\_\_/

MOTION TO PROCEED *IN FORMA PAUPERIS*

Petitioner Raymond E. Olivier, through counsel previously appointed for appellate representation through the Criminal Justice Act, pursuant to Rule 39 of the Supreme Court Rules, moves this Court for leave to proceed with the present petition *in forma pauperis*, and states:

1. Raymond E. Olivier has been incarcerated continuously since his convictions for bank fraud and conspiracy to commit bank and wire fraud. Olivier was determined to be indigent for trial and appeal, and received the appointment of counsel pursuant to the Criminal Justice Act (18 U.S.C. §3006A) on February 14, 2014. Pursuant to Supreme Court Rule 29.1, a copy of the order appointing counsel for appellate purposes is appended to this motion.

2. The U.S. Court of Appeals for the Eleventh Circuit affirmed petitioner's convictions and sentence on November 20, 2017. *United States v. Rabuffo*, Case No. 14-14585, 2017 WL 5565229 (11th Cir. 2017). The Eleventh Circuit denied rehearing on February 15, 2018, Mandate issued on March 23, 2018.

3. Petitioner remains incarcerated and indigent through the filing of his petition for writ of certiorari.

4. Undersigned counsel received the appointment to provide appellate representation to petitioner on December 22, 2014, and continues to represent petitioner through this certiorari petition. Because his financial circumstances remain the same as when he received the appointment of counsel pursuant to the Criminal Justice Act, he should be permitted to proceed *in forma pauperis* for certiorari proceedings in this Court.

5. For these reasons, petitioner asks this Court to grant him leave to proceed on petition for writ of certiorari *in forma pauperis*, waive the filing fee, waive the requirement for 40 printed copies of the petition, and accept the ten typewritten copies of the petition with this motion.

Dated: May 16, 2018

Respectfully submitted,

s/ Benedict P. Kuehne

BENEDICT P. KUEHNE

*Counsel of Record*

Florida Bar No. 233293

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 14-20008-CR-MOORE/MCALILEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND OLIVIER,

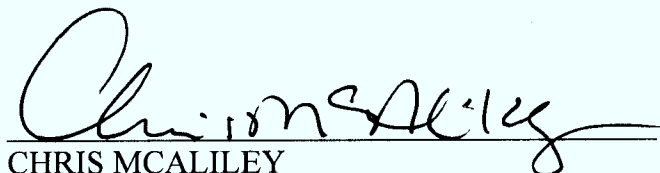
Defendant.

**ORDER APPOINTING COUNSEL**

Pending before the Court is a motion by the Defendant for the appointment of CJA appellate counsel. [DE 499]. Defendant was represented in the district court by Ronald J. Manto, who is not listed on the CJA panel for appeals.<sup>1</sup> Based on the foregoing, I find that Defendant is entitled to appointment of appellate counsel under the Criminal Justice Act. Accordingly, the Court ORDERS that:

Defendant's Request for Court Appointed Appellate Attorney [DE 499], is **GRANTED** and Benedict P. Kuehne is appointed appellate CJA counsel for Defendant Raymond Olivier. Ronald J. Manto shall continue to represent Defendant in any district court proceedings.

DONE and ORDERED in chambers in Miami, Florida this 19th day of December, 2014.



CHRIS MCALILEY  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Mr. Manto filed a notice of appeal on behalf of Defendant to preserve his rights. [DE 491].

Copies to:  
The Honorable K. Michael Moore  
All counsel of record

ATTACHMENT