

IN THE SUPREME COURT OF THE UNITED STATES

LYNDON FITZGERALD PACE,

Petitioner,

v.

SHAWN EMMONS, Warden,
Georgia Diagnostic and Classification Prison,

Respondent.

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*

GRETCHEN M. STORK
FEDERAL DEFENDER PROGRAM, INC.
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Gretchen_Stork@FD.org

COMES NOW Petitioner, Lyndon Fitzgerald Pace, 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 the following:

1) Petitioner is currently 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 United States Court of Appeals for the Eleventh Circuit, 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 May 11, 2023, and denied his timely-filed petition for rehearing and rehearing *en banc* on July 11, 2023.

3) The orders of the United States District Court finding Mr. Pace to be indigent and appointing undersigned counsel are attached as Exhibits A and B, respectively.

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 8th day of November, 2023.

/s/ Gretchen M. Stork
GRETCHEN M. STORK
FEDERAL DEFENDER PROGRAM, INC.
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Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LYNDON FITZGERALD PACE,

Petitioner,

v.

HILTON HALL, Warden, Georgia
Diagnostic and Classification
Prison,

Respondent.

CIVIL ACTION

NO. 1:09-CV-0467-CAP

O R D E R

The petitioner, a prisoner sentenced to death by the State of Georgia, has filed a petition for a writ of habeas corpus action pursuant to 28 U.S.C. § 2254. The matter is currently before the court on the petition [Doc. No. 1] and the petitioner's motion for leave to proceed in forma pauperis ("IFP") [Doc. No. 2].

The court DIRECTS the Clerk of Court to transmit a copy of the petition [Doc. No. 1] and this Order by certified mail to the respondent and the Attorney General for the State of Georgia. The respondent is ORDERED to show cause within sixty days of receipt of this Order why the writ should not be granted. In connection therewith, the respondent shall transmit to the court such pleadings, transcripts, and decisions as are available and required to determine the issues in the petition.

The petitioner's motion for leave to proceed IFP [Doc. No. 2] is GRANTED.

SO ORDERED, this 3rd day of April , 2009.

/s/ Charles A. Pannell, Jr.
CHARLES A. PANNELL, JR.
United States District Judge

Exhibit B

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

NOV 01 2023

KEVIN P. WEIMER, Clerk
By: Deputy Clerk

Emilia Sabet

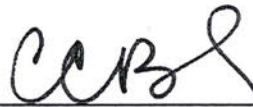
LYNDON FITZGERALD PACE,	)	CIVIL ACTION NO.
	)	1:09cv00467-WBH
Petitioner,	)	
	)	
v.	)	HABEAS CORPUS
	)	
WARDEN, Georgia Diagnostic	)	
and Classification Center,	)	
	)	
Respondent.	)	

ORDER

On motion by Petitioner Lyndon Fitzgerald Pace for appointment of counsel and to appoint the Federal Defender Program, Inc., as counsel pursuant to 18 U.S.C. § 3599 (Doc. 6),

IT IS ORDERED THAT the Federal Defender Program, Inc., is hereby appointed as Petitioner's counsel.

SO ORDERED, the 1st day of November, 2023, *Nunc Pro Tunc*, this 23d day of June, 2009.



CHRISTOPHER C. BLY
UNITED STATES MAGISTRATE JUDGE