

IN THE SUPREME COURT OF OHIO

ISLAM AL-DIN ALLAH,

APPELLANT,

v.

STATE OF OHIO,

APPELLEE

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"DEATH PENALTY CASE"

IN RE 60 (B) MOTIONS

DIRECT APPEAL NO. 98-1483

MOTION TO HOLD 60 (B) MOTIONS IN ABEYANCE
UNTIL APPELLANT CAN ACQUIRE KEY DOCUMENTS FROM
FORMER COUNSEL.

FILED
DEC 05 2012
CLERK OF COURT
SUPREME COURT OF OHIO

Now comes Appellant, Islam al-Din Allah, pro se requesting this court hold his Rule 60 (b) motions filed August 31, 2012 and October 11, 2012, respectively, in abeyance until he can acquire key documents-- exhibits # 2, 15 of August 31 filing and other new evidence-- currently being held by former "counsel" at the Federal Habeas Unit. Such documentation is integral to a full and fair hearing on the merits of the claims the Appellant raises and possibly necessitates supplementing said motions with new claims.

The former "counsel" was removed from his habeas proceedings by Judge David A. Katz on October 12, 2012. Appellant has been attempting to obtain these documents for as long as they have been in existence, meaning over two years in some cases.

The Appellant has filed a motion with Judge David A. Katz, on November

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5, 2012, requesting he issue an order or otherwise compel the Federal Public Defender to provide to Appellant with the all pertinent documents. The Appellant is without counsel at this point in his federal appeals.

The Appellant is attempting to secure the documents to supplement his filings in this court in order to comply with exhaustion requirements. Such documentation being integral to placing before this court the facts necessary to assess them in light of the laws to which they pertain and to provide this court with a full and fair opportunity to address the claims, instead of the court ruling on an incomplete record and the Appellant having to return to exhaust in light of said documents.

The Appellant is in custody in violation of the Federal Constitution and these documents enable the Appellant to more fully demonstrate that fact.

ISLAM AL-DIN ALLAH
Islam Al-Din Allah
#508 11/21/3-3300
PO box 5500
Chillicothe, Ohio
45601

11.8.12

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CERTIFICATE OF SERVICE

I, hereby, certify that a copy of this motion was sent by ordinary U.S. mail to counsel of record for the State of Ohio, Thomas L. Sartini, prosecutor for Ashtabula County, at 25 West Jefferson Street, Jefferson, Ohio 44047, on December 4th 2012.

~~ISLAM AL-DIN ALLAH~~
ISLAM AL-DIN ALLAH.