
No. 17 A 1392

IN THE
SUPREME COURT OF THE UNITED STATES
2018

VIRGINIA S. CAUDILL, PETITIONER

v.

JANET CONOVER, RESPONDENT

**MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS**

THIS IS A CAPITAL CASE

The petitioner, Virginia S. Caudill, asks leave to file the attached Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. Caudill previously sought appointment of counsel pursuant to 18 U.S.C. § 3599 and her request was granted, resulting in the appointment of one of the undersigned. See Appellate R., ECF #65, 66. (Caudill is also represented by counsel from the Kentucky Department of Public Advocacy based on her financial status). The Motion for Appointment of counsel specifically sought appointment based on the fact that Caudill was or has become financially unable to obtain adequate representation.

Pursuant to Supreme Court Rule 39(1), a copy of the order of the Sixth Circuit Court of Appeals granting Caudill's request is appended to this Motion.

As a matter of candor with the Court, Caudill notes that at the time of the filing of her appeal of the dismissal of her Petition for Habeas Corpus, the District Court denied her Motion for Leave to Appeal *in Forma Pauperis*. The stated basis of the denial was the failure to provide documentation in support of the Motion. Caudill never challenged the ruling because she was represented by the Kentucky Department of Public Advocacy. Caudill submits that the subsequent ruling of the Sixth Circuit appointing counsel provides grounds for the granting of the Motion by this Court, and further notes that Caudill has been incarcerated since 1998.

Accordingly, Petitioner Virginia S. Caudill requests that she be granted leave to proceed before this court *in forma pauperis*.

RESPECTFULLY SUBMITTED,

/s/ Dennis J. Burke
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Case No. 14-5418

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ORDER

VIRGINIA S. CAUDILL

Petitioner - Appellant

v.

JANET CONOVER, Warden

Respondent - Appellee

Upon consideration of the appellant's motion to withdraw Krista Dolan and to appoint J. Robert Linneman as co-counsel for Virginia S. Caudill,

It is therefore **ORDERED** that the motion be and it hereby is **GRANTED**.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk



Issued: November 01, 2017