

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

LARRY HAYES

Petitioner

v.

MARVIN PLUMLEY, WARDEN

Respondent

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Larry Hayes asks leave to proceed *in forma pauperis* in this case. Mr. Hayes has previously been granted leave to proceed *in forma pauperis* in the United States Court of Appeals for the Fourth Circuit. The Fourth Circuit appointed the undersigned counsel to represent Mr. Hayes under the Criminal Justice Act, 18 U.S.C. § 3006A, and a copy of that order is attached. Therefore no affidavit or declaration is required per Supreme Court Rule 39(1) and 18 U.S.C. § 3006A(d)(7).

Respectfully submitted,



Thomas V. Burch
Counsel of Record for Petitioner
University of Georgia School of Law
Appellate Litigation Clinic
225 Herty Drive
Athens, GA 30602
(706) 542-5236
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October 1, 2018

FILED: August 25, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7537
(2:15-cv-15636)

LARRY HAYES

Petitioner - Appellant

v.

MARVIN PLUMLEY, Warden

Respondent - Appellee

O R D E R

The court grants leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

OFFICE OF STAFF COUNSEL
**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

1100 EAST MAIN STREET, SUITE 325
RICHMOND, VIRGINIA 23219-3538

MELISSA L. WOOD
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TEL. (804) 916-2900
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August 25, 2017

Thomas Burch
Director, Appellate Litigation Clinic
University of Georgia School of Law
225 Herty Dr.
Athens, GA 30602

Re: No. 16-7537, *Hayes v. Plumley*

Dear Mr. Burch:

Thank you for agreeing to be appointed as counsel on behalf of the appellant in this appeal.

The issue as to which a certificate of appealability has been granted is:

Whether counsel was ineffective in failing to investigate credentials of medical examiner who testified that victim died of shaken baby syndrome.

Should you conclude that any other issue or issues would benefit from briefing and oral argument, you may move to expand the certificate of appealability pursuant to Fourth Circuit Local Rule 22.

Because this appointment is made pursuant to the Criminal Justice Act, the maximum authorized compensation is \$7300, plus expenses. An hourly rate of \$132 applies to both in-court and out-of-court work. Any compensation issues should be addressed to Deputy Clerk Patty Layne at (804) 916-2700.

The case manager assigned to this appeal, Taline Fisher, will assist you with any procedural inquiries; she also can be reached at (804) 916-2700. Please contact me at (804) 916-2900 for any other assistance.

Thomas Burch
August 25, 2017
Page 2

You will be notified as to the briefing schedule promptly after it is established by the Clerk's Office. The electronic record on appeal is available on PACER. The Clerk's Office will provide you with instructions for registering for a fee-exempt PACER account.

We appreciate your assistance to the Court in accepting this appointment.

Very truly yours,

Melissa L. Wood
Senior Staff Counsel

MLW/mh

cc: Larry Hayes
Shannon Frederick Kiser, Esq.