

CAPITAL CASE

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

MITCHELL WILLOUGHBY

Petitioner,

v.

DEEDRA HART, WARDEN,

Respondent.

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

The petitioner, Mitchell Willoughby, asks leave to file the attached Petition for a Writ of Certiorari to the Sixth Circuit Court of Appeals without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. Willoughby previously sought appointment of counsel in the federal court below and his request was granted, resulting in the appointment of the undersigned¹. Pursuant to Supreme Court Rule 39(1), a copy of the appointment order is appended to this Motion.

¹ Willoughby was represented by appointed counsel based upon his financial status throughout the litigation of his case.

Accordingly, Petitioner Mitchell Willoughby requests that he be granted leave to proceed before this court *in forma pauperis*.

RESPECTFULLY SUBMITTED,

/s/ Dennis J. Burke

Dennis J. Burke*

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