

No. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2019

Richard Bays,

Petitioner,

v.

Warden, Chillicothe Correctional Institution

Respondent.

On Application for a Certificate of Appealability
The United States Court of Appeals for the Sixth Circuit

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

No execution date is presently scheduled.

Deborah L. Williams

Federal Public Defender, by:

Erin G. Barnhart (0079681)

Counsel of Record

Assistant Federal Public Defender

Jacob A. Cairns (0075828)

Co-Counsel

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Counsel for Applicant-Petitioner Bays

Petitioner Richard Bays, pursuant to Sup Ct. R. 39.1, respectfully moves for leave to file the accompanying petition for writ of certiorari in the Supreme Court of the United States without payment of costs and to proceed in forma pauperis.

Bays was previously found financially unable to obtain counsel and the Federal Public Defender of the Southern District of Ohio was appointed to represent Bays pursuant to 18 U.S.C. § 3599. Therefore, in reliance upon Rule 39.1 and 18 U.S.C. § 3599(e), Bays has not attached the affidavit which would otherwise be required by 28 U.S.C. § 1746.

Respectfully submitted,
Deborah L. Williams
Federal Public Defender
by



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Certificate of Service

I, Erin G. Barnhart, hereby certify that on this 27th day of April, 2020, a copy of the foregoing motion for leave to proceed in forma pauperis was served in accordance with the parties' agreement via electronic mail on the following Counsel for Respondent Margret Bagley:

Brenda S. Leikala
Benjamin Flowers
Michael Hendershot

All parties required to be served have been served.



Counsel for Applicant-Petitioner Richard Bays