

No. \_\_\_  
CAPITAL CASE

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IN THE  
Supreme Court of the United States

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KENNATH ARTEZ HENDERSON,  
*Petitioner,*

v.

TONY MAYS, WARDEN,  
*Respondent.*

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On Petition for a Writ of Certiorari to the  
United States Court of Appeals  
for the Sixth Circuit

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

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Kennath Henderson, the petitioner, seeks leave, pursuant to Sup. Ct. R. 39, to contemporaneously file a petition for a writ of certiorari without payment of costs and to proceed *in forma pauperis* without prepayment of fees.

Mr. Henderson is an indigent Tennessee death row inmate. *State v. Henderson* 24 S.W.3d 307 (Tenn. 2000). The district court found Mr. Henderson to be indigent and entitled to appointment of counsel pursuant to 18 U.S.C. § 3599 and 21 U.S.C. § 848, and the Federal Public Defender for the Middle District of Tennessee was appointed to represent him. *Henderson v. Bell*, No. 06-cv-02050 (W.D. Tenn. Jan. 1, 2006), R. 2, PageID#45-6.

Respectfully submitted,



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**KELLEY J. HENRY**

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**AMY D. HARWELL\***

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