

OCTOBER TERM 2024

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

BENJAMIN RITCHIE,
Petitioner,

v.

RON NEAL, Superintendent Indiana State Prison,
Respondent.

MOTION FOR LEAVE TO FILE *IN FORMA PAUPERIS*

— CAPITAL CASE —

EXECUTION SCHEDULED FOR 12:00 A.M. ON TUESDAY, MAY 20, 2025

Petitioner Benjamin Ritchie, through undersigned counsel, moves pursuant to Supreme Court Rule 39.1 for leave to proceed *in forma pauperis* in his concurrently-filed Petition for Writ of Certiorari and Motion for Stay of Execution. Petitioner is indigent; he has sought and been appointed counsel throughout the proceedings below in state and federal court.

As to his federal proceedings, on April 21, 2008, the United States District Court for the Southern District of Indiana appointed Brent Westerfeld and Joseph Cleary as counsel under 18 U.S.C. § 3599, Mr. Ritchie having satisfied the court that he was unable to employ counsel and did not wish to waive counsel. *Ritchie v. Neal*, No. 1:08-cv-0503, ECF 8 (S.D. Ind.). On September 18 and 26, 2024, the court granted Westerfeld and Cleary's motions to withdraw as counsel and, on October 10, 2024,

appointed undersigned counsel, the Federal Community Defender Office for the Eastern District of Pennsylvania (“FCDO”). *Ritchie*, No. 1:09-cv-00022, ECF 58, 59, 61 (S.D. Ind.). These orders are attached as Exhibit A, pursuant to Supreme Court Rule 39.1.

Undersigned counsel hereby certify that Mr. Ritchie is incarcerated and remains indigent at present. Mr. Ritchie respectfully requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Shawn Nolan
SHAWN NOLAN*
DANIEL LAWLESS
Assistant Federal Defenders
Federal Community Defender Office
for the Eastern District of Pennsylvania
The Curtis – Suite 545-West
601 Walnut Street
Philadelphia, PA 19106
(215) 928-0520
shawn_nolan@fd.org
daniel_lawless@fd.org

**Counsel of Record*
Member of the Bar of the Supreme Court

Dated: May 19, 2025

EXHIBIT

A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

BENJAMIN RITCHIE,)	
)	
Petitioner,)	
v.)	No. 1:08-cv-0503-RLY-JMS
)	
ED BUSS, Superintendent Indiana)	
State Prison,)	
)	
Respondent.)	

Entry (1) Granting Request to Proceed in Forma Pauperis, (2) Appointing Counsel and Establishing the Rate of Compensation, (3) Directing Filing of a Habeas Petition and (4) Granting the Motion for Stay of Execution

This cause is before the court on the notice of petitioner Benjamin Ritchie's intent to file a first petition for a writ of habeas corpus. This notice, invoking a procedure authorized by *Criminal Rule 6.1* of the *Local Rules* of this court, is accompanied by petitioner's motion for appointment of counsel, by his request to proceed *in forma pauperis*, and by his motion for stay of execution of death sentence.

Whereupon the court, having read and examined such notice, motion and request, and being duly advised, now makes the following rulings:

1. The petitioner's request to proceed *in forma pauperis* is **granted**.
2. The petitioner's request for the appointment of counsel is **granted**. Thus, attorney Joseph M. Cleary and attorney Brent Westerfeld are **appointed** to represent petitioner in this action pursuant to 18 U.S.C. § 3599. The appointments are made *nunc pro tunc* to April 18, 2008. The compensation of each such attorney shall be \$166.00 per hour for such services as are reasonably necessary for them to represent petitioner.
3. Counsel for petitioner are directed to proceed diligently with the preparation of a *habeas* petition pursuant to 28 U.S.C. § 2254(a). This shall be filed **not later than July 21, 2008**.
4. The motion for stay of execution is **granted**, and a separate order establishing the terms of such stay shall be issued. Counsel for the respondent should

make appropriate staff at the Indiana State Prison aware that this action has been filed and that a stay of execution has been issued.

IT IS SO ORDERED.

Date: 04/21/2008

Distribution:

Brent Westerfeld
bwesterfeld@wkelaw.com

Joseph Moutin Cleary
HAMMERLE & ALLEN
jcleary498@aol.com

Stephen Creason
stephen.creason@atg.in.gov

Indiana Supreme Court Deputy Administrator
Greta Scodro (Fax at 232.8372)

A handwritten signature in blue ink, appearing to read 'R. Young', written over a horizontal line.

RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BENJAMIN RITCHIE,)	
)	
Petitioner,)	
)	
v.)	No. 1:08-cv-00503-RLY-MJD
)	
BILL WILSON, et al.,)	
)	
Respondents.)	


Order on Motion to Withdraw Appearance

This matter is before the Court upon counsel's Motion to Withdraw Appearance, and the Court, being duly advised, now finds that the Motion, dkt. [56], should be GRANTED.

IT IS THEREFORE ORDERED that the appearance of Joseph M. Cleary, Indiana Federal Community Defenders, shall be withdrawn and terminated as counsel for the Petitioner.

SO ORDERED.

Date: September 18, 2024



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Joseph Martin Cleary
INDIANA FEDERAL COMMUNITY DEFENDERS
joe_cleary@fd.org

Stephen Creason
INDIANA ATTORNEY GENERAL
steve.creason@atg.in.gov

Brent Westerfeld
Brent Westerfeld
blwesterfeld@gmail.com


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BENJAMIN RITCHIE,)	
Petitioner,)	
)	
vs.)	Case. No. 108-cv-00503-RLY-MJD
)	
BILL WILSON, Superintendent)	
Indiana State Prison)	
Respondent.)	

ORDER GRANTING MOTION TO WITHDRAW

Comes now Brent Westerfeld, appointed counsel for Petitioner Ritchie, and files his *Motion to Withdraw Appearance* in which he requests leave to withdraw his appearance as counsel for Mr. Ritchie because the case has been adjudicated and final judgment entered. The court having considered this motion now grants his motion and orders his appearance withdrawn as to Petitioner Ritchie.

Date: 9/26/2024



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distribution to:

All registered counsel via electronic notification

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BENJAMIN RITCHIE,)	
)	
Petitioner,)	
)	
v.)	No. 1:08-cv-00503-RLY-MJD
)	
RON NEAL Superintendent of Indiana State)	
prison,)	
)	
Respondent.)	


ORDER

Petitioner's Motion for Appointment of Counsel, dkt. [60], comes before the Court for consideration. Upon review and for good cause shown, this Court finds that the motion is well taken and should be GRANTED.

THEREFORE, IT IS HEREBY ORDERED that the Federal Community Defender Office for the Eastern District of Pennsylvania is appointed as counsel for Petitioner. The clerk is directed to send a copy of this order to Jesse Drum, the Assistant Section Chief for Criminal Appeals at the Office of the Indiana Attorney General. The clerk is directed to substitute Ron Neal in place of Bill Wilson as the appropriate respondent. Fed. R. Civ. P. 25(d).

SO ORDERED.

Date: 10/10/2024



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Jesse Drum
INDIANA ATTORNEY GENERAL
jesse.drum@atg.in.gov

Shawn Nolan
FEDERAL COMMUNITY DEFENDER OFFICE
shawn_nolan@fd.org