

OCTOBER TERM 2024

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**BENJAMIN RITCHIE,**  
Petitioner,

v.

**RON NEAL, Superintendent Indiana State Prison,**  
Respondent.

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

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**-- 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  
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*\*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, ) ) No. 1:08-cv-0503-RLY-JMS  
v. )  
 )  
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  
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Indiana Supreme Court Deputy Administrator  
Greta Scodro (Fax at 232.8372)



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:

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Brent Westerfeld  
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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. )

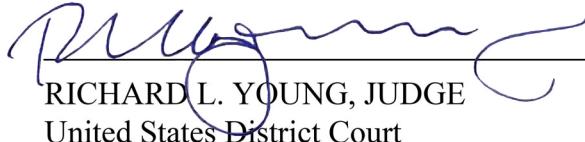
**ORDER**

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

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