

No.  
CAPITAL CASE

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IN THE  
Supreme Court of the United States

BYRON LEWIS BLACK,  
*Petitioner,*

*v.*

FRANK STRADA, ET. AL.,  
*Respondent.*

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE TENNESSEE SUPREME COURT

**MOTION TO PROCEED *IN FORMA PAUPERIS***

OFFICE OF THE FEDERAL PUBLIC DEFENDER  
FOR THE MIDDLE DIST. OF TENNESSEE  
CAPITAL HABEAS UNIT

KELLEY J. HENRY\*  
CHIEF, CAPITAL HABEAS UNIT

AMY D. HARWELL  
FIRST ASST. FED. PUB. DEFENDER  
ASST. CHIEF, CAPITAL HABEAS UNIT

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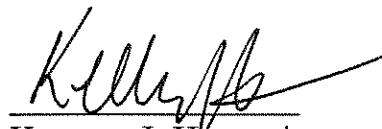
*\*Counsel of Record*

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Petitioner Byron Lewis Black respectfully moves this Court to proceed *in forma pauperis*. He is indigent and was allowed to proceed *in forma pauperis* by the lower court. Attachment 1. He is represented by counsel appointed pursuant to 21 U.S.C. § 848; *McFarland v. Scott*. 512 U.S. 849 (1994); and *Dicks v. Dutton*, 969 F.2d 207, 208 (6th Cir. 1992). *See* Attachment 2, Order of Appointment.

WHEREFORE, The motion should be granted.

Respectfully submitted,



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Chief, Capital Habeas Unit

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First Asst. Fed. Pub. Defender  
Asst. Chief, Capital Habeas Unit

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*/s/ Kelley J. Henry*  
*\*Counsel of Record*

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
 TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY, PART IV

KEVIN BURNS, BYRON BLACK, )  
 JON HALL, KENNETH HENDERSON, )  
 ANTHONY DARRELL HINES, )  
 HENRY HODGES, FARRIS MORRIS, )  
 WILLIAM GLENN ROGERS, and )  
 OSCAR SMITH, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 FRANK STRADA, in his official capacity )  
 as Tennessee's Commissioner of )  
 Correction, and )  
 )  
 KENNETH NELSEN, in his official )  
 capacity as Warden of Riverbend )  
 Maximum Security Institution, )  
 )  
 Defendants. )

NF  
 No. 25-0414-IV

MASTER  
 5TH CHANCERY CT.  
 CLERK

2025 MAR 19 PM 3:05  
 ED

**ORDER ALLOWING FILING ON PAUPER'S OATH**

Each Plaintiff listed in the caption above is an inmate currently in the custody of the Tennessee Department of Correction under a sentence of death. Plaintiffs have moved the Court to proceed *in forma pauperis*. Plaintiffs, through counsel, attest that they are unable to bear the expenses<sup>1</sup> of this cause due to their indigency.

Based on the Affidavit of Kelley J. Henry, counsel for Plaintiffs, and Plaintiffs' inmate trust account statements attached thereto, it appears to the Court that Plaintiffs are indigent persons and are qualified to file this case on a pauper's oath. Accordingly, the Court finds the motion to be well taken and hereby GRANTS said motion. Plaintiffs are

<sup>1</sup> The full filing fee of \$284.50 has been paid.

hereby allowed to proceed as indigents, which includes a waiver of electronic filing transaction fees.

**IT IS SO ORDERED.**



RUSSELL T. PERKINS, CHANCELLOR

cc: Kelley J. Henry, Esq.  
Amy D. Harwell, Esq.  
Eli Swiney, Esq.  
Katherine Dix, Esq.  
Drew Brazer, Esq.  
Cody N. Brandon, Esq.

MAILED (S)  
3/19/2025

## CALENDAR

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JULY 12, 1999

Federal Public Defender's Office  
Nashville, Tennessee

BYRON LEWIS BLACK )  
 v. ) No. 8 00 0764  
 RICKY BELL ) JUDGE CAMPBELL

ORDER

Pending before the Court is Petitioner's *Pro Se* Initial Unamended Petition For Writ Of Habeas Corpus And Motion for Appointment Of Counsel And Motion For Time For Counsel, Following Appointment, To Investigate And Present All Available Claims For Relief In Petitioner for Writ Of Habeas Corpus, and Petitioner's Motion To Proceed In Forma Pauperis.

It appears from Petitioner's Motion To Proceed In Forma Pauperis and Petitioner's Affidavit of Indigency, which is attached to the Motion, that the Petitioner is indigent. Accordingly, the Motion To Proceed In Forma Pauperis is GRANTED. The Clerk shall file this case in forma pauperis. 28 U.S.C. § 1915(a).

Appointment of counsel for indigent capital habeas petitioners is mandated by 21 U.S.C. § 848(q). McFarland v. Scott, 512 U.S. 849, 114 S.Ct. 2568, 2571, 129 L.Ed.2d 666 (1994); Dicks v. Dutton, 969 F.2d 207, 208 (6<sup>th</sup> Cir. 1992). In light of the issues presented in this case, the interests of justice will be served if the Petitioner is represented by counsel. Accordingly, Petitioner's Motion For Appointment Of Counsel is GRANTED. The Court appoints the Office of the Federal Defender, Middle District of Tennessee, or its designee, to represent Petitioner in this matter. The Clerk is

This document was entered on  
the docket in compliance with  
Rule 58 and / or Rule 79(a).

FRCP, on 7/14/00 By gj

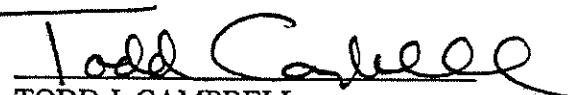
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directed to provide the Petitioner's newly appointed counsel with a copy of all documents filed in this case.

The Court will hold a hearing on August 23, 2000, at 9:00 a.m. to discuss Petitioner's other Motion and scheduling deadlines.

The Clerk is directed to serve a copy of all documents filed in this case, except those filed ex parte under seal, on the Respondent and the Attorney General of the State of Tennessee.

It is so ORDERED.



Todd J. Campbell

TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE