

**In the Supreme Court of the United States**

---

TIM SHOOP, WARDEN, PETITIONER

v.

JERONIQUE CUNNINGHAM, RESPONDENT.

---

**RESPONDENT'S MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*  
*CAPITAL CASE***

---

Respondent Jeronique Cunningham moves this Court for leave to proceed *in forma pauperis* under Rule 39 so that he may file a Brief in Opposition of a Petition for Writ of Certiorari.

Please check the appropriate boxes:

Respondent has previously been granted leave to proceed *in forma pauperis* in the following court(s):

U.S. District Court, Northern District of Ohio; Sixth Circuit Court of Appeals, Allen County Court of Common Pleas

Respondent has not previously been granted leave to proceed *in forma pauperis* in any other court.

Respondent's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: 18 U.S.C. § 3599, or

a copy of the order of appointment is appended.

Respectfully submitted,

/s/ *Michael J. Benza*

MICHAEL J. BENZA (Ohio 0061454)  
17850 Geauga Lake Road  
Chagrin Falls, Ohio 44023  
(216) 319-1247  
michael.benza@gmail.com  
COUNSEL OF RECORD

KARL SCHWARTZ (PA 38994)  
Wiseman & Schwartz, LLP  
718 Arch Street, Suite 702 N  
Philadelphia, PA 19106  
(215) 360-3988  
schwartz@wisemanschwartz.com