

No.

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IN THE  
Supreme Court of the United States

BYRON LEWIS BLACK,

*Petitioner,*

*v.*

STATE OF TENNESSEE,

*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 appointed counsel in the lower courts 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). The Order of appointment is attached to this Motion.

The motion should be granted.

Respectfully submitted,

Dated: July 28, 2025.

*/s/ Kelley J. Henry*

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KELLEY J. HENRY\*  
Chief, Capital Habeas Unit

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*\*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion to Proceed In Forma Pauperis was delivered to opposing counsel, Nicholas Spangler, Asst. Attorney General, P.O. Box 20207, Nashville, TN 37202, via email and United States Mail, First Class, postage pre-paid, on this 28<sup>th</sup> day of July, 2025.

/s/ Kelley J. Henry  
Counsel for Petitioner

CALENDAR

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Federal Public Defender's Office  
Nashville, Tennessee

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BYRON LEWIS BLACK

v.

RICKY BELL

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No. **3 00 0764**  
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 8/14/03 By g


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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  
UNITED STATES DISTRICT JUDGE