

**CAPITAL CASE**

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

IN THE SUPREME COURT OF THE UNITED STATES

BENNY HODGE

Petitioner,

**v.**

LAURA PLAPPERT, Warden

Respondent.

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

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The petitioner, Benny Hodge, asks leave to file the attached Petition for a Writ of Certiorari to the Supreme Court of Kentucky without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. Woodall previously sought and was appointed counsel in the Supreme Court of Kentucky below under Kentucky Revised Statute 31.120 and in the federal district court under 18 U.S.C § 3599(2).

Accordingly, Petitioner Benny Hodge requests that he be granted leave to proceed before this court *in forma pauperis*.

Respectfully submitted,

/s/ Dennis J. Burke

Dennis J. Burke (KBA No. 87278)  
Kentucky Department of Public Advocacy  
2202 Commerce Parkway, Ste. D  
LaGrange, Kentucky 40031  
(502) 222-6682 Phone  
(502) 222-3177 Fax  
*dennis.burke@ky.gov*

/s/ Luke P. Ihnen

Luke P. Ihnen (TN BPR No.  
035190)  
FEDERAL DEFENDER SERVICES  
OF EASTERN TENNESSEE, INC.  
800 South Gay St., Suite 2400  
Knoxville, Tennessee 37929  
(865) 637-7979 Phone  
(865) 637-7999 Fax  
*Luke\_Ihnen@fd.org*

Counsel for the Petitioner