

William Z. Campbell Jr. FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

2018 AUG -7 AM 10:54
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

BILLY RAY IRICK)	
Petitioner)	NO. <u>3:18-CV-0737</u>
)	
Vs.)	Capital Case
)	EXECUTION DATE:
)	
TONY MAYS, Warden, Riverbend)	AUGUST 9, 2018
Maximum Security Institution)	7:00 PM
Respondent.)	

MOTION TO PROCEED IN FORMA PAUPERIS AND
APPLICATION FOR APPOINTMENT OF COUNSEL

Billy Ray Irick, a death row prisoner with a scheduled execution date of August 9, 2018, hereby requests leave to proceed *in forma pauperis* and for appointment of counsel to assist him in investigating and preparing a petition for writ of habeas corpus under 28 U.S.C. §2241 and/or any other ancillary matters pursuant to 18 U.S.C. § 3599 and *McFarland v. Scott*, 512 U.S. 849, 114 S.Ct. 2568, 2571 (1994) (“On its face, this statute grants indigent capital defendants a mandatory right to qualified counsel and related services ‘in any federal post conviction proceeding.’”). In support of this motion, Mr. Irick states the following:

1. Mr. Irick is incarcerated at Riverbend Maximum Security Institution (“RMSI”) under a sentence of death and in the custody of Warden Tony Mays. RMSI is located in the Middle District of Tennessee. Mr. Irick is currently on death watch.
2. Mr. Irick is scheduled to be executed by means of lethal injection on August 9, 2018 at 7:00 PM at RMSI.