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

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

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October Term, 2017

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DANIEL CLATE ACKER,  
*Petitioner,*

v.

LORIE DAVIS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division  
*Respondent.*

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Fifth Circuit

**MOTION TO PROCEED IN FORMA PAUPERIS**

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**CAPITAL CASE**

A. RICHARD ELLIS  
Texas Bar No. 06560400  
75 Magee Drive  
Mill Valley, CA94941  
(415) 389-6771  
FAX: (415) 389-0251  
Attorney for Petitioner Daniel Acker

The Petitioner, Daniel Clate Acker, asks leave to file in this Court without prepayment of costs and to proceed *in forma pauperis*. Petitioner had been granted leave to proceed *in forma pauperis* in every court in which he has filed to date:

- Hopkins County, Texas District Court, No. 00-75863/00-16026
- Texas Court of Criminal Appeals, No. AP- 74,109; WR 56,841-01
- United States District Court for the Eastern District of Texas, No. 4:06-cv-469
- Fifth Circuit Court of Appeals, *Acker v. Davis*, No. 16-70017

Undersigned counsel is still acting in his capacity as CJA counsel, *see Harbison v. Bell*, 129 S.Ct. 1481 (2009), and therefore no affidavit is needed in support of this motion.

WHEREFORE, Petitioner Daniel Clate Acker respectfully requests that this court permit him to proceed in this Court, *in forma pauperis*.

Respectfully submitted,

*s/ A. Richard Ellis*

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\* A. Richard Ellis  
75 Magee Avenue  
Mill Valley, CA 94941  
TEL: (415) 389-6771  
FAX: (415) 389-0251

\* Counsel of Record,  
Member, Supreme Court Bar

December 11, 2017.

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

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Supreme Court of the United States**

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DANIEL CLATE ACKER,  
*Petitioner,*

v.

LORIE DAVIS, Director,  
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**CERTIFICATE OF SERVICE**

I certify that on December 11, 2017 I have served Petitioner's MOTION TO PROCEED IN FORMA PAUPERIS on the attorney of record for respondent, Mr. Eric A. White, Attorney General's Office for the State of Texas, Solicitor General Division, P.O. Box 12548, Austin, TX 78711-2548 ([eric.white@oag.texas.gov](mailto:eric.white@oag.texas.gov))

by the Court's e-filing service. All parties required to be served have been served. I am a member of the Bar of this Court.

Respectfully submitted,

*s/ A. Richard Ellis*

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- \* A. Richard Ellis  
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  - \* Counsel of Record,  
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