
No.17A-1335

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

STEPHEN DALE BARBEE,
Petitioner,

v.

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

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

MOTION TO PROCEED IN FORMA PAUPERIS

CAPITAL CASE

A. RICHARD ELLIS
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Attorney for Petitioner Stephen Barbee

The Petitioner, Stephen Dale Barbee, 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:

- In the 213th Judicial District Court of Tarrant County, Cause No. 1004856R
- In the Texas Court of Criminal Appeals (*Barbee v. State*, No. AP-75,359; *Ex Parte Barbee*, WR-71007-01
- In the United States District Court for the Northern District of Texas, *Barbee v. Thaler*, No. 4:09-cv-744
- In the Fifth Circuit Court of Appeals, *Barbee v. Stephens*, Case No. 15-70022.

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 Stephen Dale Barbee respectfully requests that this court permit him to proceed in this Court, *in forma pauperis*.

Respectfully submitted,

s/ A. Richard Ellis

* A. Richard Ellis
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* Counsel of Record,
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July 12, 2018.

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CERTIFICATE OF SERVICE

I certify that on July 12, 2018, I have served Petitioner's MOTION TO PROCEED IN FORMA PAUPERIS on the attorney of record for respondent, Mr. George D'Hemecourt, Attorney General's Office for the State of Texas, Solicitor General Division, P.O. Box 12548, Austin, TX 78711-2548 (george.d'hemecourt@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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 - * Counsel of Record,
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