

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JOHN STEVEN GARDNER

Petitioner,

v.

Lorie Davis, Director,

Texas Department of Criminal Justice,

Correctional Institutions Division, Respondent.

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

MOTION FOR LEAVE TO FILE IN FORMA PAUPERIS

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Counsel of Record for Petitioner Gardner

The Petitioner, JOHN STEVEN GARDNER, asks leave to file in this Court without prepayment of costs and to proceed in forma pauperis. Petitioner had been granted leave by the federal district courts to proceed in forma pauperis.

On October 7, 2010, the federal district court appointed undersigned counsel, Brandt. Since that time, Brandt has continued to represent Mr. Gardner, and undersigned counsel is still acting in her capacity as CJA counsel in representing him in this proceeding in the U.S. Supreme Court, pursuant to 18 U.S.C. § 3006A, and the Fifth Circuit Plan for Representation; therefore no affidavit is needed in support of this motion.

WHEREFORE, Petitioner Gardner respectfully requests that this Court permit him to proceed in this Court, *in forma pauperis*.

Respectfully submitted,

/s Lydia M.V. Brandt

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