

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

PATRICK HENRY MURPHY, JR.,
Petitioner,

v.

TEXAS,
Respondent.

On Petition for a Writ of Certiorari to
the Court of Criminal Appeals of Texas

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

Mr. Murphy asks for leave to file the attached Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner has been granted leave to proceed *in forma pauperis* in every court in which he has filed to date. On August 13, 2009, United States Magistrate Judge Paul D. Stickney appointed undersigned counsel to represent Murphy pursuant to 18 U.S.C. § 3599(a)(2). Order Appointing Counsel, *Murphy v. Quarterman*, No. 3:09-cv-01368-L-BD (N.D. Tex. Aug. 13, 2009), ECF No. 3. Undersigned counsel is still acting in his capacity as CJA counsel.

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

Respectfully submitted,

/s/ David R. Dow

David R. Dow*
Texas Bar No. 06064900
Jeffrey R. Newberry
Texas Bar No. 24060966
University of Houston Law Center
4604 Calhoun Rd.
Houston, Texas 77204-6060
Tel. (713) 743-2171
Fax (713) 743-2131

Counsel for Patrick Henry Murphy, Jr.
*Member of the Supreme Court Bar