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

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

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EX PARTE STEPHEN DALE BARBEE,  
*Petitioner.*

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

**MOTION TO PROCEED IN FORMA PAUPERIS**

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**CAPITAL CASE**

A. RICHARD ELLIS  
Texas Bar No. 06560400  
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FAX: (415) 389-0251  
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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 213<sup>th</sup> 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-71,071-01, WR-71-071-02; WR-71,071-03)
- 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, and was appointed pursuant to 18 U.S.C. §3599(a)(2), *see Harbison v. Bell*, 556 U.S. 180 (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*

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\* Counsel of Record,  
Member, Supreme Court Bar

July 10, 2021.

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**CERTIFICATE OF SERVICE**

I certify that on July 10, 2021, I have served Petitioner's MOTION TO PROCEED IN FORMA PAUPERIS on the attorney of record for respondent, Mr. Steven W. Conder, Assistant Criminal District Attorney, Tarrant County District Attorney, 401 W. Belknap, Fort Worth, Texas 76196-0201; [CCAAppellatealerts@tarrantcountytexas.gov](mailto:CCAAppellatealerts@tarrantcountytexas.gov), and on Mr. Stephen Hoffman, Attorney General's Office for the State of Texas, P.O. Box 12548, Austin, TX 78711-2548 ([stephen.hoffman@oag.texas.gov](mailto:stephen.hoffman@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/s A. Richard Ellis*

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