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

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

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STEPHEN DALE BARBEE,  
*Petitioner.*

v.

BRYAN COLLIER, BOBBY LUMPKIN, DENNIS CROWLEY  
Texas Department of Criminal Justice,  
*Respondents*

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

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**MOTION TO PROCEED IN FORMA PAUPERIS**

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**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 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-71-071-05)
- 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*, Cases No. 15-70022; 22-70021

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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\* A. Richard Ellis  
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\* Counsel of Record,  
Member, Supreme Court Bar

November 14, 2022.

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v.

BRYAN COLLIER, BOBBY LUMPKIN, DENNIS CROWLEY  
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On Petition for Writ of Certiorari to the  
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**CERTIFICATE OF SERVICE**

I certify that on November 14, 2022, I have served Petitioner's MOTION TO PROCEED IN FORMA PAUPERIS on the attorney of record for respondent, 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). 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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