

CASE NO. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

WESLEY RUIZ,
Petitioner,

v.

STATE OF TEXAS,
Respondent.

**PETITIONER'S MOTION AND AFFIRMATION
FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Petitioner Wesley Ruiz, through undersigned counsel, moves pursuant to Supreme Court Rule 39.1 for leave to proceed in forma pauperis in his concurrently filed Petition for Writ of Certiorari. Petitioner is indigent; he has sought and been appointed counsel throughout the proceedings below in state and federal court.

This case is before the Court on a petition for writ of certiorari. Wesley Ruiz is a death sentenced prisoner in Texas. On June 4, 2020, the United States Court of Appeals for the Fifth Circuit appointed undersigned counsel to represent Petitioner in his capital habeas proceedings. Mr. Ruiz was found indigent in the district court and court of appeals.

Petitioner remains incarcerated today and there has been no change in his financial status. He is without funds to secure the services necessary to proceed in this Court (*e.g.*, printing fees, etc.) or to pay any fees.

Undersigned counsel hereby certify that Mr. Ruiz is incarcerated and remains indigent at present. Mr. Ruiz respectfully requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Shawn Nolan

Shawn Nolan*

Peter Walker

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** Counsel of Record*

Member of the Bar of the Supreme Court

Counsel for Petitioner, Wesley Ruiz

Dated: January 31, 2023