
No. _____

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

EX PARTE DANIEL CLATE ACKER,
Applicant,

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

MOTION TO PROCEED IN FORMA PAUPERIS

CAPITAL CASE

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Attorneys for Daniel Clate Acker

Applicant Daniel Clate Acker asks leave to file in this Court without prepayment of costs and to proceed *in forma pauperis*. Mr. Acker had been granted leave to proceed *in forma pauperis* in every court in which he has filed to date:

- Hopkins County, Texas District Court, No. 00-75863/00-16026
- Texas Court of Criminal Appeals, No. AP- 74,109; WR 56,841-01
- United States District Court for the Eastern District of Texas, No. 4:06-cv-469
- Fifth Circuit Court of Appeals, *Acker v. Davis*, No. 16-70017

Undersigned counsel is still acting in his capacity as CJA counsel, *see Harbison v. Bell*, 129 S.Ct. 1481 (2009), and therefore no affidavit is needed in support of this motion.

WHEREFORE, Petitioner Daniel Clate Acker 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

September 21, 2018.

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CERTIFICATE OF SERVICE

I certify that on September 21, 2018 I have served Applicant's MOTION TO PROCEED
IN FORMA PAUPERIS on the attorneys of record for the State,

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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/ A. Richard Ellis

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