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

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

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ANTHONY CARDELL HAYNES,  
*Petitioner,*

v.

LORIE DAVIS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division  
*Respondent.*

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

**MOTION TO PROCEED IN FORMA PAUPERIS**

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**CAPITAL CASE**

A. RICHARD ELLIS  
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Attorney for Petitioner Anthony Cardell Haynes

The Petitioner, Anthony Cardell Haynes, 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 *State v. Haynes*, Cause No. 783872 before the 263<sup>rd</sup> Judicial District Court of Harris County, Texas
- In the Texas Court of Criminal Appeals (*Haynes v. State*, No. AP-73,685 (Tex. Crim. App. Oct. 10, 2001)(slip op.); *Ex Parte Anthony Cardell Haynes*, No. 59,929-01
- In the United States District Court for the Southern District of Texas, *Haynes v. Dretke*, Case No. 4:05-cv-03424
- In the Fifth Circuit Court of Appeals, *Haynes v. Davis*, 733 F. App'x 766 (5th Cir. 2018)

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 Anthony Cardell Haynes 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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TEL: (415) 389-6771  
FAX: (415) 389-0251

\* Counsel of Record,  
Member, Supreme Court Bar

October 17, 2018.

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**CERTIFICATE OF SERVICE**

I certify that on October 17, 2018, I have served Petitioner's MOTION TO PROCEED IN FORMA PAUPERIS on the attorney of record for respondent, Gwendolyn S. Vindell, Attorney General's Office for the State of Texas, P.O. Box 12548, Capitol Station , Austin, TX 78711-2548 (Gwendolynvindell2@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/ A. Richard Ellis*

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\* A. Richard Ellis

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