
No. _____

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

MELISSA ELIZABETH LUCIO,
Petitioner,

v.

BOBBY LUMPKIN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division
Respondent.

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

MOTION TO PROCEED IN FORMA PAUPERIS

CAPITAL CASE

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MAUREEN FRANCO
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WESTERN DISTRICT OF TEXAS
TIVON SCHARDL
Capital Habeas Unit Chief
TIMOTHY GUMKOWSKI
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*Counsel of Record

Petitioner, Melissa Elizabeth Lucio, 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 she has filed to date:

- In the 138th Judicial District Court of Cameron County, Cause No. 07-CR-885-B
- In the Texas Court of Criminal Appeals (*Lucio v. State*, No. AP-76,020; *Ex Parte Lucio*, WR-72702-01 and -02)
- In the United States District Court for the Southern District of Texas, Brownsville Division, *Lucio v. Davis*, No. B-13-125
- In the Fifth Circuit Court of Appeals, *Lucio v. Lumpkin*, No. 16-70027.

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*, 129 S. Ct. 1481 (2009), and therefore no affidavit is needed in support of this motion.

WHEREFORE, Petitioner Melissa Elizabeth Lucio respectfully requests that this Court permit her to proceed *in forma pauperis*.

Respectfully submitted,

s/s A. Richard Ellis

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July 9, 2021.