

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

[NAME],

No. CV-xx-xxxx-XXX-XXX

Petitioner,

DEATH PENALTY CASE

vs.

**ORDER FOR
STAY OF EXECUTION**

[NAMES],

Respondents.

Petitioner [NAME], a state prisoner under sentence of death, has filed a notice of intent to file a petition for writ of habeas corpus under 28 U.S.C. § 2254, a motion for appointment of counsel under 18 U.S.C. § 3599, and a request for stay of execution, currently set for [DATE]. Initial stays of execution are appropriately granted in death penalty cases when no previous habeas petitions have resulted in a final order deciding the merits of federal habeas claims or resulted in a finding that relief is precluded on procedural grounds. *McFarland v. Scott*, 512 U.S. 849 (1994); 28 U.S.C. § 2251.

The Court has contacted the Office of the Attorney General for the State of Arizona and has informed it of Petitioner's request for a stay of execution. Respondents, through counsel, agree that Petitioner has not previously pursued federal habeas relief. Therefore, Respondents do not object to a stay of execution.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Warrant of Execution is stayed pending the filing of a Petition for Writ of Habeas Corpus detailing all of Petitioner's known federal claims and the resolution of the issues raised therein.

IT IS FURTHER ORDERED that Petitioner remain in the custody of the

Arizona Department of Corrections pending further order of this Court.

IT IS FURTHER ORDERED that the Clerk of Court make immediate telephonic notice of this Order to [NAME], Director of the Arizona Department of Corrections; [NAME], Attorney General of the State of Arizona; [NAME], Clerk of the Arizona Supreme Court; and [NAME], Warden of the Arizona State Penitentiary at Florence, and that a copy of this Order be served on these individuals by the United States Marshal forthwith.

IT IS FURTHER ORDERED that the Clerk of Court forward a copy of this Order to Petitioner, [NAME], [NUMBER], [ADDRESS].