

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EDWARD JEROME HARBISON,)

Plaintiff,)

vs.)

**GEORGE LITTLE, in his official
capacity as Tennessee’s Commissioner
of Correction, et al.,**)

Defendants.)

**No. 3:06-cv-01206
JUDGE TRAUGER**

NOTICE OF APPEAL

Notice is hereby given that defendants George Little, Ricky Bell, Gayle Ray, Roland Colson, and the Tennessee Department of Correction (TDOC) employee John Does, in their official capacities, appeal to the United States Court of Appeals for the Sixth Circuit from this Court’s Memorandum (Docket Entry 27) and Order (Docket Entry 28) denying in part the defendants’ motion to dismiss (Docket Entry 15), the Memoranda (Docket Entries 87 and 89) and Order (Docket Entry 90) denying the defendants’ motion to dismiss and/or for summary judgment (Docket Entry 68), and the Memorandum (Docket Entry 147) and Order (Docket Entry 148) finding that Tennessee’s Lethal Injection Protocol violates the Eighth Amendment to the United States Constitution, entering judgment in favor of the plaintiff, and enjoining the defendants from executing the plaintiff under the current execution procedures for lethal injection. The filing fee for the appeal will be forwarded to the Court under separate cover.

Respectfully submitted,

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s/ Joseph F. Whalen

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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2007, a copy of the foregoing Notice of Appeal was filed electronically. Notice of this filing will be sent to the parties listed below by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt or by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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