

No. 05A1210

Supreme Court, TN
FILED
JUN 26 2006
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

SEDLEY ALLEY,
Petitioner,

v.

RICKY BELL, Warden,
Respondent.

ON APPLICATION FOR STAY OF EXECUTION

RESPONDENT'S BRIEF IN OPPOSITION

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REASONS FOR DENYING THE APPLICATION

On May 16, 2006, petitioner applied to this Court for a stay of execution, which was then scheduled for May 17, 2006, on the basis of his contemporaneously-filed petition for a writ of certiorari seeking review of the May 9, 2006, decision of the Sixth Circuit Court of Appeals. That decision affirmed the judgment of the district court denying petitioner's motion for relief from judgment in his federal habeas corpus case. Later on May 16, 2006, a fifteen-day executive reprieve was granted petitioner, which rendered his application moot. On June 2, 2006, upon the expiration of the reprieve, the Tennessee Supreme Court re-set the execution of petitioner's sentence for June 28, 2006. Petitioner has now renewed his application for a stay.

Petitioner's renewed application should be denied. For the reasons set forth in respondent's brief in opposition to both the original application and the petition for a writ of certiorari, the questions presented in the petition do not warrant this Court's review and do not otherwise justify a stay of execution.

Respectfully submitted,

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/s/ Joseph F. Whalen

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been delivered electronically and by first-class mail, postage prepaid, to Paul Bottei, Assistant Federal Public Defender, 810 Broadway, Suite 200, Nashville, Tennessee, 37203, on this the 26th day of June, 2006.

/s/ Joseph F. Whalen

JOSEPH F. WHALEN
Associate Solicitor General