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DATE: 5-20-04

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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ROBERT R. DI TROLIO
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W.D. OF TN, MEMPHIS

SEDLEY ALLEY,
Petitioner,

vs.

No. 97-3159-D/V

RICKY BELL, Warden Riverbend
Maximum Security Institution,
Respondent.

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ORDER GRANTING STAY OF EXECUTION

Petitioner Sedley Alley, an inmate at the Riverbend Maximum Security Institution ("RMSI"), in Nashville, Tennessee has filed an amended motion requesting relief pursuant to this Court's inherent authority, and/or relief from judgment pursuant to Fed. R. Civ. P. 60(b), and/or certificate of appealability, along with a motion for stay of execution.

In March 1987, a Shelby County, Tennessee, Criminal Court jury convicted Petitioner of kidnaping, raping, and murdering United States Marine Corps Lance Corporal Suzanne Marie Collins and sentenced him to death by electrocution. His execution is currently scheduled for June 3, 2004.

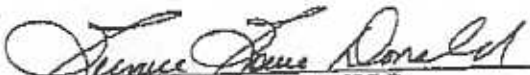
Petitioner asks the Court to stay his execution pending the United States Court of Appeal's decision in Abdur'Rahman v. Bell, 6th Cir. Nos. 02-6547, 02-6548, and this Court's subsequent decision on Petitioner's Fed. R. Civ. P. 60(b) motion. In Cooey v. Bradshaw, 216 F.R.D. 408, 414-15 (N.D. Ohio 2003), the court

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131

granted a stay of execution pending the Sixth Circuit's ruling in Abdur'Rahman. See also Zeigler v. Wainwright, 791 F.2d 828 (11th Cir. 1986) (granting stay of execution pending resolution of Rule 60(b) appeal). Accordingly, the Court GRANTS Petitioner's motion for stay of execution pending the Sixth Circuit's decision in Abdur'Rahman and this Court's subsequent ruling on Petitioner's Rule 60(b) motion. Petitioner's execution is stayed therefore pending the outcome of this matter.

IT IS SO ORDERED this 19th day of May, 2004.


BERNICE BOUIE DONALD
UNITED STATES DISTRICT JUDGE