

**FILED**

Nos. 96-8652/00-5367

JAN 26 2001

**UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT** LEONARD GREEN, Clerk

PHILIP R. WORKMAN,  
Petitioner - Appellant

v.

**O R D E R**

RICKY BELL, Warden,  
Respondent - Appellee

Before: MARTIN, Chief Judge; MERRITT, NELSON, RYAN, BOGGS,  
NORRIS, SUHRHEINRICH, SILER, BATCHELDER, DAUGHTREY,  
MOORE, COLE, CLAY, and GILMAN, Circuit Judges

This matter comes before the court upon the motion of the petitioner-appellant to recall the mandate and stay the execution scheduled for 1:00 A.M. on January 31, 2001, pending final disposition by the United States Supreme Court of a petition for a writ of certiorari and a petition for an original writ of habeas corpus now pending before it. The respondent has filed a response opposing the motion.

Upon consideration of the foregoing a majority of the judges of the court have voted to grant the motion. IT IS THEREFORE ORDERED that the motion be, and it hereby is, GRANTED; the stay of execution shall remain in place until the final disposition by the Supreme Court of the actions brought before it by the petitioner.

ENTERED BY ORDER OF THE COURT

  
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Leonard Green, Clerk of Court