

FILED: January 8, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-18
(8:98-cr-00520-PJM-2)

UNITED STATES OF AMERICA

Plaintiff - Appellant

v.

DUSTIN JOHN HIGGS

Defendant - Appellee

ORDER

Upon consideration of submissions relative to the government's motion to dispense with, or alternatively expedite, oral argument, the court denies the motion in light of the novel legal issues presented.

Entered at the direction of Judge Keenan with the concurrence of Judge Floyd. Judge Richardson dissented from the order and filed a dissenting opinion.

For the Court

/s/ Patricia S. Connor, Clerk

RICHARDSON, Circuit Judge, dissenting:

I continue to respectfully dissent from our decision to delay this case by scheduling oral argument two weeks *after* the scheduled execution. *See* Order, ECF 15, No. 20-18 (Jan. 7, 2020) (Richardson, J., dissenting). That decision frustrates the Executive's prerogative and ignores the Supreme Court's guidance, both of which provide good reason to decide with dispatch.