

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 17-3076

IN RE: OHIO EXECUTION PROTOCOL.  

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ANGELO FEARS, et al.,  
Plaintiffs,GARY OTTE; RONALD PHILLIPS;  
RAYMOND TIBBETTS,  
Plaintiffs - Appellees,

v.

DONALD MORGAN, et al.,  
Defendants - Appellants.**FILED**  
Apr 06, 2017  
DEBORAH S. HUNT, Clerk

Before: MOORE, KETHLEDGE, and STRANCH, Circuit Judges.

**JUDGMENT**On Appeal from the United States District Court  
for the Southern District of Ohio at Columbus.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION THEREOF, it is ORDERED that the district court's grant of a preliminary injunction enjoining Defendants from executing Gary Otte, Ronald Phillips, and Raymond Tibbetts using the three-drug midazolam protocol embodied in the October 7, 2016 Ohio execution protocol or any other lethal injection method that employs either a paralytic agent or potassium chloride is AFFIRMED.

**ENTERED BY ORDER OF THE COURT**

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Deborah S. Hunt, Clerk