

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

THOMAS D. ARTHUR, )  
)  
Plaintiff, )  
)  
v. )  
)  
KIM THOMAS, Commissioner, Alabama )  
Department of Corrections, *et al.*, )  
)  
Defendants. )

CASE NO. 2:11-cv-438-WKW  
(WO -- Do Not Publish)

**ORDER**

On September 12, 2014, a status conference was held with counsel for all parties in attendance. The Commissioner of the Alabama Department of Corrections (the “State”) had informed the court on September 11, 2014, that the Department of Corrections had chosen to substitute midazolam hydrochloride for pentobarbital in its three-drug cocktail. Based on this and additional representations made by the parties at the conference, it is hereby ORDERED as follows:

1. On or before October 3, 2014, Plaintiff Thomas D. Arthur may file a motion to amend his complaint to amend his remaining Eighth Amendment claim and his Fourteenth Amendment equal protection claim to reflect the State’s substitution of midazolam hydrochloride for pentobarbital in its lethal injection protocol, and shall provide the court with legal authority supporting the allowance of the amendment. Any motion to amend filed by Arthur shall include as an exhibit a proposed amended complaint.

2. The State shall have 14 days from the date of filing of the motion to respond,

and Arthur shall have seven days thereafter to reply.

DONE this the 12th day of September, 2014.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE