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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Michael Apelt,

Petitioner,

vs.

Charles L. Ryan, et al.,

Respondents.

) No. CV-98-00882-PHX-ROS

) DEATH PENALTY CASE

) **ORDER**

To ensure efficient review and adjudication of Petitioner’s remaining sentencing claims it is essential that the Court have a copy of the state court record regarding Petitioner’s post-conviction relief litigation pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002) (recognizing that the Eighth Amendment prohibits a state from sentencing to death or executing a mentally retarded person).

IT IS HEREBY ORDERED that the Clerk of the Arizona Supreme Court provide a complete copy of Petitioner’s state court *Atkins* record (Pinal County Superior Court No. CR-14946). If the record is available in electronic form, it should be provided in that form; if not, a paper copy of the record may be forwarded to: Clerk of the United States District Court, 401 West Washington Street, Suite 130, SPC 1, Phoenix, Arizona 85003-2118.

DATED this 22nd day of September, 2010.



Roslyn O. Silver
United States District Judge