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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Jeffrey Timothy Landrigan,

No. CV-10-02246-PHX-ROS

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Plaintiff,

DEATH PENALTY CASE

10

vs.

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Janice K. Brewer, Governor of the State
of Arizona; Charles L. Ryan, Director
of the Arizona Department of Corrections;
Ernest Trujillo, Warden, Arizona
Department of Corrections - Eyman;
Carson McWilliams, Warden, Arizona
Department of Corrections - Florence;
Does 1-50,

ORDER

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Defendants.

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On October 21, 2010, Plaintiff Jeffrey Timothy Landrigan filed this suit pursuant to
42 U.S.C. § 1983, alleging that execution by lethal injection using sodium thiopental
obtained from a non-FDA approved manufacturer would violate his rights under the Eighth
and Fourteenth Amendments. Plaintiff sought “equitable, injunctive, and declaratory relief
to prevent Defendants from carrying out [Plaintiff’s] execution.” (Doc. 1 at 2.) On October
26, 2010, Plaintiff was executed. Thereafter, Eric John King, Donald Edward Beaty, and
Daniel Wayne Cook (the “Potential Intervenors”) filed a motion to intervene in this action.
Cook also filed a motion to consolidate this action with a nearly identical § 1983 complaint
he filed in Case No. CV-10-2454-PHX-RCB. On November 5, 2010, the Court directed
Potential Intervenors and Defendants to address whether Plaintiff’s case is moot. After

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1 considering the briefs, the Court concludes that Plaintiff's execution rendered this action
2 moot. *See Kennerly v. United States*, 721 F.2d 1252, 1260 (9th Cir. 1983) (finding claim for
3 injunctive relief moot after plaintiff's death). Accordingly, the Court will deny the pending
4 motions and direct that this case be terminated.

5 Based on the foregoing,

6 **IT IS ORDERED** that the motions to intervene filed by John King, Donald Edward
7 Beaty, and Daniel Wayne Cook (Docs. 27, 28 & 36) are **DENIED**.

8 **IT IS FURTHER ORDERED** that Daniel Wayne Cook's motion to consolidate
9 cases (Doc. 47) is **DENIED**.

10 **IT IS FURTHER ORDERED** that the Clerk of Court shall terminate this case as
11 moot.

12 DATED this 22nd day of November, 2010.

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Roslyn O. Silver
United States District Judge