

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LEDELL LEE, ADC # 97101; JASON McGEHEE;
STACEY JOHNSON; BRUCE WARD; MARCEL
WILLIAMS; and KENNETH WILLIAMS

PLAINTIFFS

v.

No. 4:17-cv-194-DPM
No. 4:17-cv-195-DPM
No. 4:17-cv-196-DPM
No. 4:17-cv-197-DPM
No. 4:17-cv-198-DPM
No. 4:17-cv-199-DPM

ASA HUTCHINSON, in his official capacity as Governor of Arkansas; WENDY KELLEY, in her official capacity as Director of the Arkansas Department of Correction; JOHN FELTS, JOHN BELKEN, ANDY SHOCK, DAWNE BENAFIELD VANDIVER, JERRY RILEY, ABRAHAM CARPENTER, JR., and LONA H. McCASTLAIN, all in their official capacities as Members of the Arkansas Parole Board

DEFENDANTS

JACK HAROLD JONES, JR.

INTERVENOR

ORDER

For the reasons stated on the record at the end of the hearing, the Court decides the pending motions as follows.

1. Jones's motion to intervene, *No 16*, is granted. His motion to proceed *in forma pauperis*, *No 15*, is granted. The Court defers assessment of the filing fee, and refers the fee issue to Magistrate Judge Ray to decide in due course.

2. The motions to dismiss, *No 19 & 20*, are partly granted and partly denied. All of Bruce Ward's claims are dismissed without prejudice for lack of standing. He's no longer a party.

3. The motion for a preliminary injunction, *No 3*, is partly granted, partly denied, and held in abeyance as to Jones. When the Board gives public notice of its recommendation about Jones, the Board Defendants must also notify this Court.

4. The Court stays Jason McGehee's execution and enjoins Governor Asa Hutchinson and Arkansas Department of Correction Director Wendy Kelley from carrying out McGehee's death sentence until the Arkansas Parole Board complies with Ark. Code Ann. § 16-93-204(e) and until Governor Hutchinson acts on the Board's recommendation. In due course, the Board Defendants must file notice of statutory compliance. Thereafter, whenever the Governor exercises his discretion and acts on the Board's merit recommendation about McGehee, the Governor must file notice of his decision.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

6 April 2017