

\*\*E-filed 2/13/06\*\*

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

Michael Angelo MORALES,

Plaintiff,

v.

Roderick Q. HICKMAN, Secretary of the  
California Department of Corrections and  
Rehabilitation; Steven W. Ornoksi, Acting Warden  
of San Quentin State Prison; and Does 1-50,

Defendants.

Case Number C 06 219 JF  
Case Number C 06 926 JF RS

DEATH-PENALTY CASE

ORDER REQUESTING  
SUPPLEMENTAL BRIEFING

[Docket No. 12]

In connection with its pending determination as to whether it should grant relief to Plaintiff, the Court is interested in Defendants' view as to whether either of the following would be feasible:

- (1) Proceeding with the execution using only sodium thiopental; or
- (2) Utilizing an independent means—including but not limited to a medical device or the presence of a qualified individual approved by the Court—to insure that Plaintiff in fact is unconscious before pancuronium bromide and potassium chloride are injected.

Defendants shall respond to this inquiry in writing by 5:00 p.m. today; such response shall not be deemed a waiver of Defendants' position that Plaintiff is not entitled to injunctive relief. Plaintiff may respond to Defendants' submission not later than 12:00 noon tomorrow.

1 The Court still intends to rule on Plaintiff's motion for a preliminary injunction by the close of  
2 business tomorrow.

3 IT IS SO ORDERED.

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5 DATED: February 13, 2006

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JEREMY FOGEL  
United States District Judge