

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

TODD KELVIN WESSINGER

CIVIL ACTION

VERSUS

NO. 04-637-JWD-EWD

DARREL VANNOY, ET AL.

ORDER

This matter comes before the Court on the State of Louisiana’s *Motion to Reconsider* (Doc. 302). Petitioner, Todd Wessinger, opposes the motion (Doc. 305). The State has filed a reply in support of its motion (Doc. 306). Since then, Petitioner has filed two notices of supplemental authority (Docs. 307, 309), and the State has filed responses to both (Docs. 308, 310).

The Fifth Circuit recently has issued two opinions in which it purports to alter the standard for granting habeas relief under the Anti-Terrorism and Effective Death Penalty Act. *See Crawford v. Cain*, 55 F.4th 981 (5th Cir. 2022); *Crawford v. Cain*, 68 F.4th 273 (5th Cir. 2023). However, on June 29, 2023, the Fifth Circuit vacated its prior panel opinion and set the matter for rehearing *en banc*. *Crawford v. Cain*, 72 F.4th 109 (5th Cir. 2023). As the pending *Motion to Reconsider* is based on these recent opinions by the Fifth Circuit, and as the Fifth Circuit has not yet issued its *en banc* opinion, consideration of the instant *Motion to Reconsider* is stayed until the Fifth Circuit issues its *en banc* opinion and the United States Supreme Court (“Supreme Court”) has ruled on any appeals therefrom.

Accordingly,

IT IS ORDERED that the Clerk of Court shall **STAY AND ADMINISTRATIVELY CLOSE** this case.

IT IS FURTHER ORDERED that the parties shall file a motion to lift the stay by no later than **14 days** after one of the following occurs: the Supreme Court issues a ruling on the *Cain*, or related, cases; the Supreme Court declines to grant *certiorari* review of the matter; or the time for seeking such review from the Supreme Court has passed, with no such review having been sought.

Signed in Baton Rouge, Louisiana, on September 25, 2023.



**JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**