

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**RICHARD JORDAN and
RICKY CHASE**

PLAINTIFFS

VS.

CIVIL ACTION NO.: 3:15CV295HTW-LRA

**PELICIA D. HALL, Commissioner,
Mississippi Department of Corrections;
MARSHAL TURNER, Superintendent,
Mississippi Defendants Penitentiary; THE
MISSISSIPPI DEFENDANTS EXECUTIONER,
And UNKNOWN EXECUTIONERS**

DEFENDANTS

**ROBERT SIMON; THOMAS EDWIN
LODEN, JR. and ROGER ERIC THORSON**

INTERVENORS

ORDER SETTING STATUS CONFERENCE

This matter is before the Court on consideration of the Plaintiffs' Notice of Decision in *Bucklew v. Precythe* and Motion for Status Conference [177]. This case has been stayed pending the disposition of *Bucklew* in the United States Supreme Court, as the parties agreed that one of the issues in that case -- whether the Petitioner met his burden under *Glossip v. Gross* to compare the procedures that would be used to administer his proposed alternative method of execution to the State's method of execution -- was one of the most heavily contested issues that this Court will be required to decide.

The decision in *Bucklew* was recently announced, and the Plaintiffs' Motion for Status Conference contains their analysis of the Supreme Court's decision. The Court will grant the Motion and set a status conference. Prior to that conference, however, and in order to most efficiently utilize the time of all parties, the Court wants a summary from each side as to how the *Bucklew* decision affects their case, and, in light of that decision, what steps they believe remain

in order to prepare this case for trial. In order to get a candid appraisal, the Court directs those submissions to be made simultaneously and *ex parte*, similar to the procedure for submitting a confidential settlement memorandum.

IT IS, THEREFORE, ORDERED AS FOLLOWS:

1. The Plaintiffs' Motion for Status Conference [Doc. #177] is hereby **granted**, and a status conference will be held on November 7, at 9:00 AM before the undersigned in Courtroom 6A of the Thad Cochran United States Courthouse.
2. The Clerk of the Court is hereby directed to restore this case to the active docket.
3. The parties are directed to submit a candid appraisal of the effects of the *Bucklew* decision on their position and what steps remain to prepare this case for trial. That appraisal should be submitted to the undersigned, *ex parte*, on or before October 31, 2019.

IT IS SO ORDERED, this the 11th day of October, 2019.

/s/ HENRY T. WINGATE

United States District Judge