

**IN THE SUPREME COURT OF IOWA**

No. 17–1539

Mahaska County No. CVEQ087132

**ORDER**

**IN RE THE DETENTION OF THOMAS G. RUTHERS JR.**

**THOMAS G. RUTHERS JR.,**  
Respondent-Appellant.

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The court, McDonald, J., taking no part, being evenly divided, declares this case affirmed by operation of law. *See* Iowa Code § 602.4107 (2017).

Waterman, Mansfield, and Christensen, JJ., would affirm the judgment of the district court; Cady, C.J., and Wiggins and Appel, JJ., would reverse the judgment of the district court. *See State v. Effler*, 769 N.W.2d 880, 884 (Iowa 2009) (“[W]hen the supreme court is equally divided on an issue upon which the district court and court of appeals differ, the decision of the district court is affirmed by operation of law.”).

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