

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

Petitioner, )  
                  ) )  
                  ) )  
v.                  ) Civil No. \_\_\_\_\_ )  
                  ) )  
Respondent.      ) )

**CASE DISPOSITION ORDER**  
**FEDERAL HABEAS - STATE IMPOSED - DEATH PENALTY**

This order is intended to be supplemental to Circuit Rule 22 dealing with death penalty cases of the United States Court of Appeals for the 7th Circuit as well as Local Rule 104.2, both of which are attached hereto as **Appendix A and B [omitted]**.

The purpose of this order and the arrangements contained is to provide procedures for the careful but prompt disposition of petitions for habeas corpus under 28 U.S.C. § 2254 challenging state court impositions of the death penalty. It is not intended here to create any new substantive or procedural rights beyond those already established in the Constitution of the United States, the statutes enacted by the Congress of the United States and court decisions emanating from the Supreme Court of the United States, the various Courts of Appeal and District Courts. It is the intent that these cases be given priority understanding the time limitations currently contained in 28 U.S.C. § 2266. These procedures are designed to be flexible with the overriding purpose that justice be accomplished.

A petition or a motion seeking relief under 28 U.S.C. § 2254 must include all possible grounds for relief; inform this Court of any execution date and explain how each issue raised was presented to a state court and if not so presented why the contention should be considered here. If such a petition is a successive one, reasons should be given for the court to refrain from dismissing it under 28 U.S.C. § 2244(b). The petition should also identify the Supreme Court decisions relied on under 28 U.S.C. § 2254(d)(1).

When the case is assigned to a district judge, the Clerk of this Court should at once notify that judge by the most expeditious means as well as the petitioner, if pro se, and the counsel for all parties and representatives. Competent counsel should be appointed for those petitioners who qualify for the same and if at all possible those counsel should meet the qualification outlined in Rule 24(b) of the Rules of Criminal Procedure of the Supreme Court of Indiana, attached as **Appendix C [omitted]**.

The district judge assigned such case should give prompt attention to all petitions, motions and filings. Hearings dealing with the merits should be set for hearing or oral argument at the earliest possible time. The district judge should give prompt attention to all requests for stays of execution over which the court has jurisdiction. The Clerk of this Court should at all times

maintain a list of cases within the scope of this rule and on a monthly basis specifically monitor their disposition. The Clerk should promptly comply with all of the procedural demands in Circuit Rule 22 of the Rules of the Court of Appeals. ***SO ORDERED.***

***DATED:***

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JUDGE, UNITED STATES DISTRICT COURT