

(ORDER LIST: 546 U.S.)

MONDAY, JANUARY 16, 2006

CERTIORARI DENIED

05-8639 ALLEN, CLARENCE R. V. ORNOSKI, ACTING WARDEN  
(05A639)

The application for stay of execution of sentence of death presented to Justice O'Connor and by her referred to the Court is denied. The petition for a writ of certiorari is denied.

Justice Breyer dissenting.

Petitioner is 76 years old, blind, suffers from diabetes, is confined to a wheelchair, and has been on death row for 23 years. I believe that in the circumstances he raises a significant question as to whether his execution would constitute "cruel and unusual punishment." U. S. Const., Amdt. 8. See *Knight v. Florida*, 528 U. S. 990, 993 (1999) (Breyer, J., dissenting from denial of certiorari); *Elledge v. Florida*, 525 U. S. 944 (1998) (Breyer, J., dissenting from denial of certiorari); *Lackey v. Texas*, 514 U. S. 1045 (1995) (Stevens, J., respecting denial of certiorari). I would grant the application for stay of execution.

(ORDER LIST: 546 U.S.)

MONDAY, JANUARY 16, 2006

CERTIORARI DENIED

05-8658 ALLEN, CLARENCE R. V. ORNOSKI, ACTING WARDEN, ET AL.  
(05A646)

The application for stay of execution of sentence of death presented to Justice O'Connor and by her referred to the Court is denied. The petition for a writ of certiorari is denied.

(ORDER LIST: 546 U.S.)

MONDAY, JANUARY 16, 2006

HABEAS CORPUS DENIED

05-8659      IN RE CLARENCE R. ALLEN  
(05A647)

The application for stay of execution of sentence of death presented to Justice O'Connor and by her referred to the Court is denied. The petition for a writ of habeas corpus is denied.