

(ORDER LIST: 544 U.S.)

WEDNESDAY, MAY 18, 2005

CERTIORARI DENIED

04-9596 BROWN, VERNON V. MISSOURI
(04A935)

The application for stay of execution of sentence of death presented to Justice Thomas and by him referred to the Court is denied. The petition for a writ of certiorari is denied.

(ORDER LIST: 544 U.S.)

WEDNESDAY, MAY 18, 2005

CERTIORARI DENIED

04-10165 BROWN, VERNON V. CRAWFORD, DIR., MO DOC, ET AL.
(04A972)

The application for stay of execution of sentence of death presented to Justice Thomas and by him referred to the Court is denied. The petition for a writ of certiorari is denied.

(ORDER LIST: 544 U.S.)

WEDNESDAY, MAY 18, 2005

ORDER IN PENDING CASE

04A977 BROWN, VERNON V. CRAWFORD, DIR., MO DOC, ET AL.
(04-10180)

The application for stay of execution of sentence of death presented to Justice Thomas and by him referred to the Court is denied. The temporary stay heretofore entered is vacated.

Justice Stevens, with whom Justice Ginsburg and Justice Breyer join, dissenting.

Because the state has not disputed the merits of petitioner's challenge to the chemical protocol used by Missouri to carry out lethal injections, I would grant the stay for the reasons stated in Judge Bye's dissenting opinion. Assuming the Prison Litigation Reform Act of 1995 applies, see 42 U.S.C. §1997e(a), the state conceded at oral argument before the district court that there is no available remedy that the petitioner has failed to invoke.

Justice Souter would grant the application for stay of execution.