



USCA DOCKET # (IF KNOWN)

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
CIVIL APPEALS DOCKETING STATEMENT**

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

<b>TITLE IN FULL:</b>  DAROLD R.J. STENSON, Plaintiff-Appellee, v. ELDON VAIL, STEPHEN SINCLAIR, CHERYL STRANGE, WASHINGTON DEPARTMENT OF CORRECTIONS, AND DOES 1-50, Defendants-Appellants.	DISTRICT: EAST. DIST. OF WA.	JUDGE: LONNY R. SUKO
	DISTRICT COURT NUMBER: CV-08-5079-LRS	
	DATE NOTICE OF APPEAL FILED: NOVEMBER 25, 2008	IS THIS A CROSS APPEAL? <input type="checkbox"/> YES
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY): 504 F.3D 873 (9TH CIR. 2007) - FED. HABEAS CORPUS ACTION	
<b>BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:</b>  COMPLAINT FOR EQUITABLE AND INJUNCTIVE RELIEF FILED CHALLENGING THE CONSTITUTIONALITY OF WASHINGTON STATE'S LETHAL INJECTION PROTOCOL UNDER THE 5TH, 8TH, AND 14TH AMENDMENTS. UPON STENSON'S MOTION, COURT GRANTED A STAY OF EXECUTION IN AN INTERLOCUTORY ORDER. EXECUTION IS CURRENTLY SET TO OCCUR ON DECEMBER 3, 2008.		
<b>PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:</b>  WHETHER THE DISTRICT COURT ERRED IN GRANTING A STAY BECAUSE IT FAILED TO CONSIDER WHETHER EQUITY BARS A STAY, AND WHETHER STENSON CAN SHOW A LIKELIHOOD OF SUCCESS ON THE MERITS.		
<b>PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST-JUDGMENT MOTIONS):</b>  		
<b>DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:</b> <input type="checkbox"/> Possibility of Settlement <input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal <input checked="" type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify)		
THIS IS AN EMERGENCY MOTION UNDER CIRCUIT RULE 27-3. <input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program  <input type="checkbox"/> Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges		

**LOWER COURT INFORMATION**

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION <input type="checkbox"/> DIVERSITY <input type="checkbox"/> OTHER (SPECIFY):  	<input type="checkbox"/> FINAL DECISION OF DISTRICT COURT <input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT <input checked="" type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY): ORDER STAYING EXECUTION <input type="checkbox"/> OTHER (SPECIFY):  	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL/JURISDICTION <input type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input checked="" type="checkbox"/> OTHER (SPECIFY): INTERLOCUTORY ORDER STAYING EXECUTION	<input type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____ <input checked="" type="checkbox"/> INJUNCTIONS: <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> PERMANENT <input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/> ATTORNEY FEES: SOUGHT \$ _____ AWARDED \$ _____ <input type="checkbox"/> PENDING <input type="checkbox"/> COSTS: \$ _____

**CERTIFICATION OF COUNSEL**

**I CERTIFY THAT:**

- COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
- A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
- A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
- I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.


Nov 25, 2008  
Signature
Date

**COUNSEL WHO COMPLETED THIS FORM**

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**\*\*THIS DOCUMENT SHOULD BE FILED IN DISTRICT COURT WITH THE NOTICE OF APPEAL. \*\***  
**\*\*IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS.\*\***