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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PAUL EZRA RHOADES,)	
)	No. 11-35940
Plaintiff-Appellant,)	D.C. No. 11-CV-445-REB
)	District of Idaho, Boise
vs.)	
)	APPELLEES' RESPONSE TO
BRENT REINKE, et. al.)	EMERGENCY MOTION UNDER
)	CIRCUIT RULE 27-3 FOR STAY OF
Defendants-Appellees.)	EXECUTION
_____)	

Appellees, by and through undersigned counsel, hereby respond to Appellant's Emergency Motion Under Circuit Rule 27-3 For Stay Of Execution ("Motion for Stay"). Appellant, Paul Ezra Rhoades ("Rhoades"), filed his Motion for Stay on November 15, 2011, seeking a "stay of execution barring the Idaho Department of Corrections [sic] from executing him on November 18, 2011, at 8:00 a.m." *Motion for Stay*, p. 2. According to Rhoades, the grounds and support for his Motion for Stay are set forth in his Opening Brief. *Id.*, p. 3. Similarly, the grounds and support for opposing Rhoades' Motion for Stay are contained in the Appellees' Brief, which is filed concurrently herewith, and is incorporated by this reference as if set forth in full herein. Based on the reasons stated in Appellees' Brief, Rhoades' Motion for Stay should be denied.

Respectfully submitted this 16th day of November, 2011.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

/s/ Krista L. Howard
KRISTA L. HOWARD
Deputy Attorney General,
Counsel for Appellees

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on the 16th day of November, 2011, I electronically filed the foregoing APPELLEES' RESPONSE TO EMERGENCY MOTION UNDER CIRCUIT RULE 27-3 FOR STAY OF EXECUTION with the Clerk of the Court for the United States Court of Appeals for Ninth Circuit by using the appellate CM/ECF system.

I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

S/ Krista L. Howard
KRISTA L. HOWARD