

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

THOMAS E. CREECH, JAMES H.  
HAIRSTON, RICHARD LEAVITT,  
GENE STUART,

Plaintiffs,

v.

BRENT REINKE, in his official capacity  
as Direct, Idaho Department of  
Correction; KEVIN KEMPF, in his  
official capacity as Chief, Operations  
Division, Idaho Department of  
Correction; JEFF ZMUDA, in his  
official capacity as Deputy Chief, Bureau  
of Prisons, Idaho Department of  
Correction; JOSH TEWALT, in his  
official capacity as Deputy Chief, Bureau  
of Prisons, Idaho Department of  
Correction; and RANDY BLADES, in  
his official capacity as Warden, Idaho  
Maximum Security Institution;

Defendants.

Case No. 1:12-cv-00173-EJL

**ORDER**

The Court has been notified that a death warrant has been issued for Plaintiff Richard Leavitt, setting his execution for June 12, 2012. It is necessary to set an expedited briefing schedule in this matter as to Plaintiff Leavitt's claims. Accordingly, **IT IS**

**ORDERED:**

**ORDER - 1**

1. Plaintiff Leavitt shall file a response to Defendants' 12(b) Motion to Dismiss (Dkt. 10) on or before **May 25, 2012**.
2. Defendants' reply in support of the 12(b) Motion to Dismiss shall be filed on or before **May 30, 2012**.
3. If Plaintiff Leavitt intends to file a motion for a preliminary injunction to enjoin the scheduled execution, he shall do so on or before **May 23, 2012**.
4. Defendants' response to a motion for preliminary injunction shall be filed on or before **May 30, 2012**.
5. Plaintiff Leavitt's reply in support of a preliminary injunction shall be filed no later than **June 1, 2012**. If the Court chooses to hear oral argument, the hearing date and time will be **June 4, 2012, at 11:00 a.m.**
6. The other Plaintiffs may respond, and Defendants may reply, to the pending 12(b) Motion to Dismiss in due course according to the regular (non-expedited) briefing schedule.



DATED: **May 18, 2012**

A handwritten signature in black ink, which appears to read "Edward J. Lodge". The signature is written in a cursive style and is positioned above a horizontal line.

Honorable Edward J. Lodge  
U. S. District Judge