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7 **IN THE UNITED STATES DISTRICT COURT**
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9 **FOR THE DISTRICT OF ARIZONA**

10 Joseph Rudolph Wood, III,
11 Petitioner,
12 vs.
13 Charles L. Ryan, et al.,
14 Respondents.
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No. CV-14-2236-TUC-JGZ
Death Penalty Case
Order

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18 Petitioner Joseph Wood is an Arizona death row inmate. His execution is
19 scheduled for July 23, 2014. On Friday, July 18, 2014, he filed a Petition for Writ of
20 Habeas Corpus and Motion for Stay of Execution in the Ninth Circuit Court of Appeals.
21 (Doc. 1.) The Court of Appeals transferred the case to this Court pursuant to Fed. R.
22 App. P. 22(a). (*Id.*, Ex. 1.)
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24 Petitioner seeks relief under 28 U.S.C. § 2241. He claims that the Arizona
25 Supreme Court unconstitutionally rejected mitigating evidence by applying a causal
26 connection test. *See Tennard v. Dretke*, 524 U.S. 37 (2004). He seeks a stay of his
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1 execution pending the outcome of *en banc* review in *McKinney v. Ryan*, No. 09-99018
2 (9th Cir.), which will address the question of whether “*Tennard* error” is subject to
3 harmless error review.
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5 Petitioner’s § 2241 petition will be denied. Section 2254 is the exclusive avenue
6 for state prisoners to challenge the legality of their imprisonment pursuant to the
7 judgment of a state court. *See Felker v. Turpin*, 518 U.S. 651, 662 (1996) (“Our
8 authority to grant habeas relief to state prisoners is limited by § 2254.”); *Rittenberry v.*
9 *Morgan*, 468 F.3d 331, 336 (6th Cir. 2006) (“[I]f a habeas petition could so easily avoid
10 the strict requirements of AEDPA, nobody would file under section 2254, and the
11 statute would become a nullity”); *Greenawalt v. Stewart*, 105 F.3d 1287, 1287 (9th Cir.
12 1997) (“The Supreme Court has instructed us that the authority of the federal courts to
13 grant habeas relief to state prisoners under § 2241 is limited by 28 U.S.C. § 2254.”);
14 *Stotts v. Luna*, 46 Fed.Appx. 523 (9th Cir. 2001) (“Although Petitioner styles his
15 petition as one under section 2241, he is, as a state prisoner, limited by the restrictions
16 of 28 U.S.C. § 2254.”).
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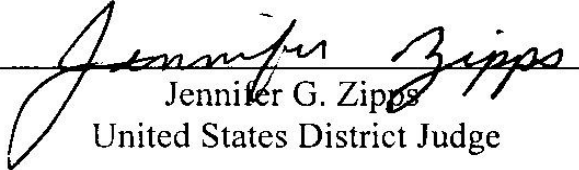
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Accordingly,

IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Habeas Corpus and Motion for a Stay of Execution is DENIED. (Doc. 1.)

Dated this 20th day of July, 2014.


Jennifer G. Zipp
United States District Judge