

No. 14-5333

IN THE SUPREME COURT OF THE UNITED STATES

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Joseph Rudolph Wood III, Petitioner,

vs.

Charles L. Ryan, et al, Respondents.

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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**\*\*\*CAPITAL CASE\*\*\***  
**EXECUTION SCHEDULED FOR JULY 23, 2014 AT**  
**10:00 AM (MST) / 1:00 P.M. (EDT)**

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**PETITIONER'S REPLY TO BRIEF IN OPPOSITION**

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In their brief in opposition, Respondents assert that the Ninth Circuit's decision in this case does not conflict with other Circuit Court's decisions, only a local rule. They are wrong. For example, the decision conflicts directly with *Michael v. Wetzel*, No. 12-9006 (3d Cir. Nov. 8, 2012), in which the Third Circuit held that the appellant was entitled to a stay of execution because the district court granted a stay, quoting Third Circuit L.A.R. 111.3(b), "[i]f the district court grants the certificate of appealability . . . it must also grant a stay pending disposition of the appeal . . . ." (Ex. 1, attached.) Accordingly, there is a genuine split in the circuit courts.

#### CONCLUSION

For the preceding reasons, this Court should grant the petition for certiorari.

Respectfully submitted: July 23, 2014.

JON M. SANDS  
Federal Public Defender

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