

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

JAMES SLAUGHTER

PETITIONER

vs.

CIVIL ACTION NO. 3:OOCV-227-C

PHIL PARKER
Warden, Kentucky State Penitentiary

RESPONDENT

ORDER

This matter is before the district court to consider the motion of the respondent (DN 70) to stay enforcement of the memorandum opinion and order entered on September 27, 2001 (DN 59). By its memorandum opinion and order, the court granted partial habeas corpus relief to the petitioner to the extent of granting him a new capital sentencing phase retrial. Respondent now requests, pursuant to Federal Rule of Appellate Procedure 23(c) and *Hilton v. Braunskill*, 481 U.S. 770 (1987) that enforcement of the order granting partial habeas corpus relief be stayed pending final resolution of all appeals to the United States Court of Appeals for the Sixth Circuit.

Upon consideration, **IT IS HEREBY ORDERED** that enforcement of the order granting partial habeas corpus relief is stayed pending the final resolution of all appeals in this matter. Following the conclusion of such appeals, should the decision of the district court be affirmed, a capital sentencing phase retrial shall be held in state court within one hundred eighty (180) days of the date on which the appeals become final.

Date: _____

JENNIFER B. COFFMAN
UNITED STATES DISTRICT JUDGE

copies to: counsel of record