

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

PHILIP RAY WORKMAN,)	
)	
Petitioner,)	
)	
V.)	Nos. 94-2577-D
)	03-2660-D
RICKY BELL, Warden,)	
RIVERBEND MAXIMUM SECURITY)	
INSTITUTION,)	
)	
Respondent.)	

ORDER GRANTING STAY OF EXECUTION

Petitioner Philip Ray Workman, an inmate at the Riverbend Maximum Security Institution ("RMSI"), in Nashville, Tennessee has filed an amended motion requesting relief pursuant to this Court's inherent authority, and/or relief from judgment pursuant to Fed. R. Civ. P. 60(b), along with a motion for stay of execution.

A Shelby County, Tennessee, Criminal Court jury convicted Petitioner of murder in the first degree in the perpetration of a robbery and sentenced him to death. His execution is currently scheduled for September 22, 2004.

Petitioner asks the Court to stay his execution pending the United States Court of Appeal's decision in Abdur'Rahman v. Bell, 6th Cir. Nos. 02-6547, 02-6548, and this Court's subsequent decision on Petitioner's Fed. R. Civ. P. 60(b) motion. In Cooey v. Bradshaw, 216 F.R.D. 408, 414-15 (N.D. Ohio 2003), the court granted a stay of execution pending the Sixth Circuit's ruling in Abdur'Rahman. See also In Re Holladay, 331 F.3d 1169, 1177 (11th

Cir. 2003)(granting stay of execution to allow consideration of successive application for habeas corpus relief); Zeigler v. Wainwright, 791 F.2d 828 (11th Cir. 1986)(granting stay of execution pending resolution of Rule 60(b) appeal). Petitioner has established that he maintains a likelihood of success on his motion should this Court be permitted to consider his amended motion for relief from judgment. Accordingly, the Court GRANTS Petitioner's motion for stay of execution pending the Sixth Circuit's decision in Abdur'Rahman and this Court's subsequent ruling on Petitioner's Rule 60(b) motion. Petitioner's execution is stayed therefore pending the outcome of this matter.

IT IS SO ORDERED this _____ day of September, 2004.

BERNICE BOUIE DONALD
UNITED STATES DISTRICT JUDGE