

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

PHILIP RAY WORKMAN)	
)	
Petitioner)	No. 94-2577-M1/A
)	
v.)	Capital Case
)	Scheduled Execution Date:
RICKY BELL, Warden)	September 24, 2003
Riverbend Maximum Security)	
Institution)	
)	
Respondent.)	

MOTION FOR STAY OF EXECUTION

Pursuant to Fed.R.Civ.P. 60(b), Petitioner Philip Workman has filed a Motion For Relief From Judgment which entitles him to relief. The State of Tennessee, however, intends to execute Philip Workman on September 24, 2003.

Under these circumstances, this Court should grant a stay of execution. 28 U.S.C. §2251. Because Philip Workman's motion is meritorious, and because an execution date interferes with the orderly processes of the federal courts, this Court should grant Philip Workman a stay of execution. See e.g., Abdur'Rahman v. Bell, 535 U.S. 981, 122 S.Ct. 1463 (2002)(granting stay of execution pending disposition of petition for writ of certiorari challenging denial of petitioner's motion for relief from judgment under Fed.R.Civ.P. 60(b)); Abdur'Rahman v. Bell, Nos. 02-6547, 02-6548 (6th Cir. June 6, 2003)(en banc)(granting stay of execution to consider petitioner's appeal on motion for relief from judgment under Rule 60(b))(Attached as Exhibit 1).

The motion for stay of execution should be granted.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon counsel for Respondent, Joseph Whalen, Office of the Attorney General, 425 Fifth Avenue North, Nashville, Tennessee 37243, this ___ day of September, 2003.

EXHIBIT 1