

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SEDLEY ALLEY,

v.

GEORGE LITTLE, et al.

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No. 3:06-340
Judge Trauger

MOTION FOR STATUS CONFERENCE

Plaintiff Sedley Alley respectfully moves this Court for a status conference:

1. On June 1, 2006, in response to Plaintiff's petition for writ of certiorari in *Alley v. Little*, U.S.No. 05-10959 (requesting review of the Sixth Circuit's vacation of this Court's preliminary injunction), Defendants have stated that the Sixth Circuit has "assumed that the questions in *Hill [v. McDonough]*, U.S. 05-8794] would be resolved in [Sedley Alley's] favor." Brief In Opposition, p. 3, citing *Alley v. Little*, 6th Cir. No. 06-5650, slip op. at 4 (assuming "that Alley may challenge the lethal injection protocol through a §1983 action.").

2. It is also apparent that *Hill* will be decided by the end of June.

3. The Tennessee Supreme Court, however, just set an execution date for June 28.

4. Because the Sixth Circuit has assumed that Alley can proceed under §1983, and because a decision in *Hill* is imminent, it is appropriate at this time to begin discovery. This will enable the parties, once *Hill* is decided, to expeditiously proceed with the litigation of the case. This Court should hold a status conference, notably to establish a tentative discovery schedule.

CONCLUSION

The motion for status conference should be granted.

Respectfully submitted,

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By: /s/ Paul R. Bottei

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon Joseph Whalen, Office of the Attorney General, 425 5th Avenue North, Nashville, Tennessee 37243 this 6th day of June, 2006.

/s/ Paul R. Bottei