(ORDER LIST: 580 U.S.)

THURSDAY, NOVEMBER 3, 2016

ORDER IN PENDING CASE

16-602 (16A451) ARTHUR, THOMAS D. V. DUNN, COMM'R, AL DOC, ET AL.

The application for stay of execution of sentence of death presented to Justice Thomas and by him referred to the Court is granted pending the disposition of the petition for a writ of certiorari. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

Statement of The Chief Justice respecting the grant of the application for stay.

I do not believe that this application meets our ordinary criteria for a stay. This case does not merit the Court's review: the claims set out in the application are purely fact-specific, dependent on contested interpretations of state law, insulated from our review by alternative holdings below, or some combination of the three. Four Justices have, however, voted to grant a stay. To afford them the opportunity to more fully consider the suitability of this case for review, including these circumstances, I vote to grant the stay as a courtesy.

Justice Thomas and Justice Alito would deny the application.