

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5285

September Term, 2020

1:19-mc-00145-TSC

Filed On: September 21, 2020

In re: In the Matter of the Federal Bureau of
Prisons' Execution Protocol Cases,

James H. Roane, Jr., et al.,

Appellees

William Emmett Lecroy,

Appellant

Bruce Webster, et al.,

Appellees

v.

William P. Barr, Attorney General, et al.,

Appellees

BEFORE: Henderson, Tatel, and Katsas, Circuit Judges

ORDER

Upon consideration of the emergency motion for injunction, the response thereto, and the reply, it is

ORDERED that the motion for injunction be denied. Appellant has not satisfied the stringent requirements for an injunction pending appeal. See Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2019). In particular, appellant has failed to demonstrate a substantial likelihood of success on the merits of his claim under the Federal Death Penalty Act, 18 U.S.C. § 3596(a), for the reasons articulated by the district court in its memorandum opinion.

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The court also notes, as did the district court, that last minute injunctions of this sort “should be the exception, not the norm.” Barr v. Lee, No. 20A8, 2020 WL 3964985 at *3 (U.S. July 14, 2020). This court has spent considerable time and effort resolving in a single day an emergency motion that could have, with the exercise of greater diligence, reached the court much earlier. However, like the district court, this court does not reject the motion on this ground.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Scott H. Atchue

Deputy Clerk