Nos. 24-5670, 24A307

IN THE

Supreme Court of the United States

GARCIA GLENN WHITE,
Petitioner,

v.

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,
Respondent.

On Petition for a Writ of Certiorari to the Court of Appeals for the Fifth Circuit and Application for a Stay of Execution

BRIEF IN OPPOSITION

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CAPITAL CASE

QUESTION PRESENTED

1. Does the Court have jurisdiction to review an appeal of the denial of a motion for authorization where 28 U.S.C. § 2244(b)(3)(E) prohibits such an appeal and the petitioner fails to justify finding for the first time an exception to the statutory prohibition?

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BRIEF IN OPPOSITION

Respondent respectfully submits this brief in opposition to the petition for a writ of certiorari and application for a stay of execution filed by Garcia White.

Petitioner Garcia White was convicted and sentenced to death in 1996 for the murders of sixteen-year-old twins Annette and Bernette Edwards. White killed their mother, Bonita, in the same gruesome attack, and he killed Greta Williams and Hai Pham in separate offenses. *White v. Thaler*, No. H-02-1805, 2011 WL 4625361, at *1–2 (S.D. Tex. Sept. 30, 2011). The state trial court scheduled White to be executed after 6:00 p.m. (Central Time) today, October 1, 2024.

Thirty-five years after the commission of this crime, thirteen years after completion of White's state and federal litigation, almost ten years after he previously asked the Fifth Circuit for authorization, and seven days before his scheduled execution, White filed a motion for authorization to file a successive petition raising a claim pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), arguing previous factual and legal unavailability of such a claim in his first federal habeas petition. The Fifth Circuit denied the motion because the *Atkins* claim was impermissibly successive, time barred, and meritless. Op., *In re White*, No. 24-20428 (5th Cir. Sept. 29, 2024), ECF No. 59-1. White has now filed a petition for a writ of certiorari explicitly seeking this Court's review of

the lower court's denial of his motion for authorization. But such an appeal is statutorily prohibited. 28 U.S.C. § 2244(b)(3)(E). Moreover, White's request that the Court create a rule prohibiting application of a statute of limitations to an *Atkins* claim is unsupportable. The lower court denied White's motion on several grounds, with the statute of limitations being only one, so White could not benefit from the rule he seeks. Further, he provides no precedent supporting his assertion that there is a consensus against applying a limitations period to an *Atkins* claim. And his prudential argument that *Atkins* claims are difficult to develop early on is unsupported. This Court should deny the petition for a writ of certiorari and application for a stay of execution.

STATEMENT OF JURISDICTION

The Court lacks jurisdiction to consider a petition for a writ of certiorari appealing the denial of a motion for authorization to file a successive federal habeas petition. 28 U.S.C. § 2244(b)(3)(E).

STATEMENT OF THE CASE

I. Facts of the Crime

> Between November 29 and December 2, 1989, King Solomon tried to contact his girlfriend, Bonita Edwards. After trying for several days, Solomon went to the apartment Edwards shared with her twin sixteen year old daughters, Annette and Bernette. When there was no answer at the door, he asked neighbors if they had seen Bonita, but no one had. After returning later in the day, Solomon spoke to a maintenance man at the apartments who asked the apartment manager to help him open the door to the Edwards' apartment. Solomon saw two bodies lying on the floor.

Houston Police Department ("HPD") officer Leonard Dawson arrived at the crime scene at about 2:45 pm. He found three dead females inside the apartment. Annette Edwards was lying face down semi-nude with her head on a pillow and a blanket partially covering her body. A towel gagged Bernette and was wrapped around her neck. Bonita was clothed but had blood all over her shirt. All three had multiple stab wounds to the neck and chest and had been dead for several days. There was no sign of forced entry, but the phone was off the hook and the bedroom door had been forced open. Another HPD investigator, Sergeant Brad Rudolph, stated that it appeared that Annette was sexually assaulted. There was blood on the walls, in the bathtub, and in the kitchen sink.

The murders went unsolved for almost six years. During an investigation into an unrelated murder in July 1995, Tecumseh Manuel, a close friend of White's, told police that White admitted killing the Edwardses. Police arrested White the following day.

White initially denied his involvement but, after seeing a portion of Manuel's interview, stated that he was ready to tell the truth. White then gave a videotaped statement implicating himself and Terrence Moore in the murders. According to White, he and Moore went to the apartment to use drugs and have sex with Bonita. They both tried to have sex with her, but Bonita became angry because they would not share the drugs with her. Moore stabbed her. When the girls came out of their bedroom, Moore grabbed one and White grabbed the other. White fondled one of the girls and ejaculated. Moore forced his way into the bedroom and stabbed one of the girls. He then came out and stabbed the other girl, and the two men left.

Upon further investigation, police discovered that Moore was killed four months before the Edwards family was murdered. When confronted with this discrepancy, White gave another statement in which he admitted fabricating the story about Moore and confessed to killing all three victims. Serology and DNA testing revealed that semen recovered from a bed sheet was consistent with White's DNA, and blood from the same sheet was consistent with either Annette's or Bernette's DNA. White was

convicted of capital murder for the murders of the two girls during the same criminal transaction.

White v. Thaler, 2011 WL 4625361, at *1–2 (footnote and citations omitted).

II. Evidence Pertaining to Punishment

During the penalty phase, the State presented evidence that White committed two other murders. White gave a videotaped statement admitting his involvement in one of the murders, which occurred during the robbery of a convenience store. A grand jury no-billed White on the other murder, but when police questioned Tecumseh Manual about the convenience store robbery-murder, Manuel told them that White admitted his involvement in the other murder, as well. When confronted, White gave another statement in which he admitted killing the victim during a fight after they had sex, which he paid for.

White's mother testified that White was a poor student, but did not have discipline problems in school. White got along well with his siblings. He played football in high school and college, but a knee injury during his first semester of college ended his football career and he dropped out of school. He eventually went to work as a sandblaster. In March, 1988, he fell and suffered injuries to his hand, shoulder, and head requiring hospitalization. After this injury, White began using drugs. White's sister gave similar testimony.

Robert Yohman, a clinical neuropsychologist, testified that he conducted a number of tests on White and reviewed relevant records. He found that White has an IQ of 76, which is below average; he scored low in concentration, speed of thinking, attention span, achievement, memory, and executive functioning; language functioning was within normal limits; White's scores on the Minnesota Multiphasic Personality Inventory ("MMPI") showed that White was not emotionally distressed, depressed, or anxious, and there was no evidence of psychopathology; the MMPI also showed that White was somewhat hostile, inhibited his aggression, was uncomfortable with others, and handled unacceptable feelings through denial and depression, but he is not antisocial, sociopathic, or psychotic. Yohman also concluded that

> White's violent episodes occurred while he was intoxicated and that he had no history of violence while sober. Because he would lack access to drugs in prison, Dr. Yohman concluded that he would not be a future danger.
>
> Dennis Nelson, a psychologist, also tested White. He concluded that White has an IQ of 87 and is not emotionally disturbed. He also concluded that White's violent conduct was related to his drug use and that White would not be dangerous in prison where he would lack access to drugs.

Id. at *2.

III. Course of State and Federal Proceedings

White was convicted and sentenced to death for the murder of the Edwards sisters. Op., *White v. State*, No. AP-72,580 (Tex. Crim. App. June 17, 1998). The Texas Court of Criminal Appeals (TCCA) upheld White's conviction and death sentence on direct appeal. *Id*. White then filed a state application for a writ of habeas corpus, which the TCCA denied. Order, *Ex parte White,* No. WR-48,152-01 (Tex. Crim. App. Feb. 21, 2001). White also filed a second state habeas application, which the TCCA dismissed as an abuse of the writ. Order, *Ex parte White,* No. WR-48,152-02 (Tex. Crim. App. Apr. 24, 2002).

White then filed a federal habeas petition. ROA.287–373. The district court granted White an administrative stay pending the outcome of DNA retesting. ROA.759–62. White later filed two state habeas applications, which the TCCA dismissed pursuant to Art. 11.071, § 5(a) of the Texas Code of Criminal Procedure. Order, *Ex parte White*, Nos. WR-48,152-03, -04 (Tex.

Crim. App. May 6, 2009). Following DNA retesting and the state court's dismissal of those applications, the district court lifted the stay. ROA.786. White filed an amended petition on December 31, 2009, ROA.787–882. The district court denied White's petition and denied White a certificate of appealability (COA). *White v. Thaler*, 2011 WL 4625361, at *15. Next, White filed an application for a COA, which Fifth Circuit denied. *White v. Thaler*, 522 F. App'x 226, 236 (5th Cir. 2013), *cert. denied*, 571 U.S. 1133 (2014).

Thereafter, the convicting court scheduled White's execution for January 28, 2015. On January 8, 2015, White filed in the TCCA a Motion for Leave to file an Original Petition for a Writ of Habeas Corpus, a Motion for Leave to file a Petition for a Writ of Prohibition, and a Motion for a Stay of Execution. SHCR-05, -06. The TCCA denied White's motions on January 15, 2015. *Id*. White then filed in the Fifth Circuit a Motion for Authorization to File a Successive Federal Habeas Petition, which was denied. *In re White*, 602 F. App'x 954, 958 (5th Cir. 2015).

Subsequently, White filed in state court, on January 19 and January 20, 2015, respectively, a Motion for Leave to File a Petition for Writ of Prohibition and his fourth subsequent state habeas application. SHCR-07, -08. The TCCA denied the Motion for Leave to File a Petition for a Writ of Prohibition on January 21, 2015. SHCR-07. This Court denied certiorari review. *White v. Texas,* 135 S. Ct. 1510 (2015). The TCCA issued an order staying White's

execution based on the subsequent habeas application. *Ex parte White*, No. WR-48,152-08, 2015 WL 375733, at *1 (Tex. Crim. App. Jan. 27, 2015). The TCCA ultimately dismissed the application pursuant to Article 11.071, § 5. *Ex parte White,* 506 S.W.3d 39, 52 (Tex. Crim. App. 2016), *cert. denied*, 583 U.S. 850 (2017).

The state trial court then scheduled White's execution for October 1, 2024. White's appointed counsel, McCann, filed in state court an application for a writ of habeas corpus and a motion to withdraw the trial court's execution order. On September 3, 2024, the state trial court denied White's motion to withdraw the execution order. Order, *Ex parte White*, No. 0723847-F (180th Dist. Ct. Harris Co., Tex. Sept. 3, 2024). The TCCA dismissed White's state habeas application and denied his motion for a stay of execution on September 18, 2024. Order, *Ex parte White*, No. WR-48,152-09 (Tex. Crim. App. Sept. 18, 2024). On September 27, 2024, White filed in this Court a petition for a writ of certiorari and an application for a stay of execution. *White v. Texas*, Nos. 24-5658, 24A302 (Sept. 27, 2024). The petition and application are pending.

On September 18, 2024, White filed in the TCCA a motion for leave to file a petition for a writ of prohibition. The motion for leave and White's request for a stay of execution were denied without written order on September 25, 2024. *In re Garcia White*, Nos. WR-48,152-10, -11 (Tex. Crim. App. Sept. 25, 2024).

On September 13, 2024, outside counsel filed a motion in White's concluded federal habeas proceedings for substitution of counsel and a stay of execution. ROA.1248–81. The district court denied both motions. ROA.2054–70. Outside counsel filed a notice of appeal regarding that denial. ROA.2071. The Fifth Circuit affirmed the district court's denial of the motions for substitution of counsel and a stay of execution. Op. 6–9. Outside counsel then filed a petition for a writ of certiorari and an application for a stay of execution. The petition and application are pending.

On September 23, 2024, White filed a motion for relief from judgment under Federal Rule of Civil Procedure 60(b) and a motion for a stay of execution. ROA.2005–13. On September 27, 2024, the district court transferred the motion for relief from judgment to the Fifth Circuit and denied the motion for a stay of execution. Order, *White v. Lumpkin*, No. 4:02-CV-1805 (S.D. Tex. Sept. 27, 2024), ECF No. 129. On September 29, 2024, the Fifth Circuit denied the transferred motion for relief from judgment as a successive habeas petition. Op. 9 n.9.

On September 24, 2024, White filed in the Fifth Circuit a motion for authorization to file a successive federal habeas petition. Mot., *In re White*, No. 24-20428 (5th Cir. Sept. 24, 2024), ECF No. 2. The Fifth Circuit denied the motion. Op. 4–9. White filed a petition for a writ of certiorari and an application for a stay of execution. The instant opposition follows.

On September 25, 2025, White filed a civil rights complaint in federal district court. Comp., *White v. Abbott, et al.*, No. 1:24-CV-1136 (W.D. Tex. Sept. 25, 2024), ECF No. 1. He filed a motion for a stay of execution on September 27, 2024. Mot. for Stay of Execution, *White v. Abbott, et al.*, No. 1:24-CV-1136 (W.D. Tex. Sept. 27, 2024), ECF No. The district court denied the motion for a stay of execution. Order on Mot. for Stay of Execution, *White v. Abbott, et al.*, No. 1:24-CV-1136 (W.D. Tex. Sept. 27, 2024), ECF No. 13.

REASONS FOR DENYING CERTIORARI AND A STAY

The petition for a writ of certiorari identifies no reason that justifies this Court's attention. Indeed, this Court is without jurisdiction to consider the petition. Moreover, the lower court denied White's motion for authorization on several grounds, with the statute of limitations being only one, so an opinion regarding the question White presents would be purely advisory. White also provides no precedent supporting his assertion that there is a consensus against applying a limitations period to an *Atkins* claim. And his prudential argument that *Atkins* claims are difficult to develop early on is unsupported and is contradicted by the evidence in this case. This Court should deny the petition for a writ of certiorari and application for a stay of execution.

ARGUMENT

I. White's Petition for Certiorari Review Is Statutorily Prohibited.

This Court lacks jurisdiction to consider White's petition. Under § 2244(b)(3)(E), the denial of "authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari." White's petition neither acknowledges § 2244(b)(3)(E) nor provides any explanation as to why it should not apply in this case. As discussed below, White's case provides no occasion for this Court to create an exception to the clear statutory prohibition. Therefore, White's petition should be dismissed.

II. White's Petition Presents No Reason for this Court to Grant Review.

In addition to being jurisdictionally barred, White's petition fails to justify this Court's attention. The Court requires those seeking a writ of certiorari to provide "[a] direct and concise argument *amplifying* the reasons relied on for allowance of the writ." Sup. Ct. R. 14.1(h) (emphasis added). The Court would be hard pressed to discover any such reason in White's petition, let alone amplification thereof. Left with no true ground for review in his briefing, the only reasonable conclusion is that White seeks mere error correction. But that is plainly not a good reason to expend the Court's limited resources. White's dissatisfaction with the Fifth Circuit's decision is a plainly

inadequate justification for this Court to not only jettison the statutory limit on this Court's certiorari jurisdiction but also reach a question this Court does not grant certiorari to address. *See* Sup. Ct. R. 10 ("A petition . . . is rarely granted when the asserted error consists of . . . the misapplication of a properly stated rule of law."). Critically, White identifies no relevant split among the courts or any other reason amplifying the need for this Court's review. Sup. Ct. R. 14.1(h). The Court should therefore deny White's petition for a writ of certiorari.

III. White's Petition Asks for an Advisory Opinion.

White's petition asks this Court to take up the question of whether the Eighth Amendment prohibits application of a statute of limitations against an *Atkins* claim. Pet. Cert. i. But as thoroughly explained by the lower court, White was not entitled to authorization for reasons in addition to limitations: his proposed *Atkins* claim failed to satisfy the successiveness provisions of § 2244(b)(2)(A) or (B), and he failed to state a prima facie claim for relief. Op. 6–9. Consequently, even if the lower court did not deny White's motion for authorization on timeliness grounds, it would have denied it on other grounds. Indeed, the Fifth Circuit held that White's *Atkins* claim is meritless,[1] so he would not benefit from a rule that prohibits application of a limitations period

[1] Op. 7, *In re White*, No. 24-20428 (5th Cir. Sept. 29, 2024), ECF No. 59-1.

against a petitioner who is intellectually disabled. White's petition should therefore be denied because it calls on the Court to issue an advisory opinion. *See Chafin v. Chafin*, 568 U.S. 165, 172 (2013) ("Federal courts may not decide questions that cannot affect the rights of litigants in the case before them or given opinions advising what the law would be upon a hypothetical set of facts."); *Flast v. Cohen*, 392 U.S. 83, 95 (1968) (no justiciable controversy is presented "when the parties are asking for an advisory opinion").

IV. White's Claim Was Neither Pressed nor Passed Upon Below.

White did not argue in his motion for authorization that the Eighth Amendment prohibited application of a statute of limitations to *Atkins* claims. He also did not argue that a claim establishing "innocence of the death penalty" suffices as an exception to AEDPA's limitations period. *See In re Burton*, 111 F.4th 664, 666 (5th Cir. 2024). The claim is, therefore waived, because it was neither pressed nor passed upon below. *Youakim v. Miller*, 425 U.S. 231, 234 (1976). Therefore, White's petition for a writ of certiorari should be denied.

V. White Provides No Evidence of a Consensus Against Applying Statutes of Limitations to *Atkins* Claims.

White seeks recognition of a rule prohibiting application of statutes of limitation to *Atkins* claims. However, he provides no support for a finding that a consensus exists in favor of his proposed new rule. Therefore, White's petition should be denied.

As a threshold matter, White's petition improperly seeks creation and retroactive application of a new rule of constitutional law that prohibits time barring *Atkins* claims. Pet. Cert. i. Habeas is generally an inappropriate avenue for the recognition of new constitutional rules. *See Teague v. Lane*, 489 U.S. 288, 310 (1989) (plurality op.). White's proffered new rule is plainly one of procedure,[2] but this Court has "repeatedly stated that new rules of criminal procedure do not apply retroactively on federal collateral review." *Edwards v. Vannoy*, 593 U.S. 255, 264 (2021); *see Montgomery*, 577 U.S. at 211–12; *Whorton v. Bockting*, 549 U.S. 406, 418 (2007). Therefore, White's proposed new rule is *Teague* barred.

Nonetheless, White provides no support for his proposed new rule. Indeed, application of § 2244(d)'s limitations period to *Atkins* claims is commonplace. *See, e.g., In re Bowles*, 935 F.3d 1210, 1220 (11th Cir. 2019); *Beaty v. Schriro*, 554 F.3d 780, 784 (9th Cir. 2009) ("Nor did Beaty raise an *Atkins* claim within one year of the Court's decision in *Atkins*, as required by AEDPA."); *Woods v. Buss*, 234 F. App'x 409, 411 (7th Cir. 2007); *In re Hill*, 437 F.3d 1080, 1083 (11th Cir. 2006). White has identified no jurisdiction, let alone

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[2] The Eighth Amendment's prohibition against executing the intellectually disabled is a substantive rule. *See Montgomery v. Louisiana*, 577 U.S. 190, 210 (2016). However, a rule limiting application of a procedural defense like a statute of limitations does not "alter[ ] the range of conduct or the class of persons that the law punishes." *Schriro v. Summerlin*, 542 U.S. 348, 353 (2004).

a critical mass of jurisdictions, that prohibits application of a statute of limitations to an *Atkins* claim. He also plainly fails to support his new rule by reference to "objective indicia of society's standards, as expressed in legislative enactments" to demonstrate a national consensus. *Graham v. Florida*, 560 U.S. 48, 61 (2010). White's proposed new Eighth Amendment rule is simply unsupported and baseless. His petition for a writ of certiorari should be denied.

Moreover, White's prudential reasons for not applying a statute of limitations to *Atkins* claim fails to identify a basis on which to constitutionally prohibit such application. He asserts, for example, that intellectual disability is a status. Pet. Cert. 13. But it is a status that has onset when an individual is a minor. *See Moore v. Texas*, 581 U.S. 1, 7 (2017). There is no basis on which to conclude that the status is somehow undiscoverable early on or that courts cannot require a petitioner to attempt to discover evidence to support an *Atkins* claim simply because intellectual disability is a status. Indeed, intellectual disability is a defense that can be raised as early in the criminal process as trial, *see, e.g., Petetan v. State*, 622 S.W.3d 321, 324 (Tex. Crim. App. 2021) (noting that the appellant's jury was provided a special issue to determine whether he was intellectually disabled), let alone years later during the postconviction process. Moreover, as the Fifth Circuit explained, White failed to show he could not have developed the evidence to support his *Atkins* claim sooner. Op. 5, *In re White*, No. 24-20428 (5th Cir. Sept. 29, 2024), ECF No. 59-

1. The countless cases involving intellectual disability claims, including those that pre-dated White's trial,[3] plainly belie the notion that they are, by their nature, difficult or impossible to develop without the prospect of an imminent execution date.

And as a constitutional matter, this Court has upheld AEDPA's successiveness provision, *Felker v. Turpin*, 518 U.S. 651, 663–64 (1996) (the restrictions under §§ 2244(b)(1), (2) on repetitive or new claims "apply without qualification to any 'second or successive habeas corpus application under section 2254"), and White provides no support for the notion that AEDPA's limitations provision is unconstitutional, *see Turner v. Johnson*, 390, 392 (5th Cir. 1999). White's petition for a writ of certiorari should be denied.

VI. White Is Not Entitled to a Stay of Execution.

This Court should deny White's request for a stay of execution. A stay of execution "is not available as a matter of right, and equity must be sensitive to the State's strong interest in enforcing its criminal judgments without undue interference from the federal courts." *Hill v. McDonough,* 547 U.S. 573, 584 (2006) (citing *Nelson v. Campbell*, 541 U.S. 637, 649–50 (2004)). Rather, the inmate must satisfy all the requirements for a stay, including a showing of a

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[3] *See, e.g., Penry v. Lynaugh*, 492 U.S. 302, 328–40 (1989) (finding intellectual disability is a mitigating factor diminishing culpability for a death-eligible offense, but that no consensus existed to establish an Eighth Amendment prohibition), *overruled by Atkins*, 536 U.S. at 321.

significant possibility of success on the merits. *Id*. (citing *Barefoot v. Estelle*, 463 U.S. 880, 895–96 (1983)). When the requested relief is a stay of execution, a court must consider:

> (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.

Nken v. Holder, 556 U.S. 418, 434 (2009) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)). A federal court must consider "the State's strong interest in proceeding with its judgment" and "attempt[s] at manipulation." *Nelson*, 541 U.S. at 649–50 (citing *Gomez v. U.S. Dist. Court for Northern Dist of California,* 503 U.S. 653, 654 (1992)).

As demonstrated above, White fails to demonstrate a likelihood of success on his claim. Notably, not only does his petition fail to justify this Court's attention and fail to establish the merits of his proposed new rule, he has also failed to demonstrate he meets the requirements of a claim for intellectual disability. The merits of White's *Atkins* claims have been briefed repeatedly recently, so Respondent will not recapitulate the background here. But as the Fifth Circuit has explained, White failed even to demonstrate a prima facie case of intellectual disability. Op. 7, *In re White*, No. 24-20428 (Sept. 29, 2024), ECF No. 59-1.

Further, "[b]oth the State and the victims of crimes have an important interest in the timely enforcement of a sentence." *Hill*, 547 U.S. at 584. White killed the Edwards sisters and their mother in 1989 and was convicted and sentenced to death in 1996. He exhaustively appealed his sentence through both state and federal court, obtaining a stay of execution in 2015. His case sat dormant until an execution date was set almost ten years later. White's last-minute attempt to raise new, meritless claims that could and should have been raised long ago is plainly an effort to delay his sentence. Such dilatory tactics underscore why the court should deny this motion for stay. *See, e.g.*, *Bucklew v. Precythe*, 587 U.S. 119, 149–51 (2019). White presents no reason to delay his execution date any longer. The Edwards family—and the victims of White's other murders, Greta Williams and Hai Pham—deserve justice for his decades-old crimes.

For the reasons argued above, this Court should deny the requested relief and a stay. White cannot overcome the strong presumption against granting a stay or demonstrate that the balance of equities entitles him to a stay of execution. For the same reason, White fails to show that he would suffer irreparable harm if denied a stay of execution. *Walker v. Epps*, 287 F. App'x 371, 375 (5th Cir. 2008) (explaining that "the merits of [the movant's] case are essential to [the court's] determination of whether he will suffer irreparable harm if a stay does not issue"). White cannot show he would be irreparably

harmed if denied additional process to which he has no entitlement. White's request for a stay of execution should be denied.

CONCLUSION

White fails to identify any reason justifying this Court's review, and he fails to justify his request for a stay of execution. His petition for a writ of certiorari and his application for a stay of execution should be denied.

Respectfully submitted,

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