

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2018

IN RE PATRICK HENRY MURPHY,
Petitioner

MOTION FOR STAY OF EXECUTION

The Petitioner, Patrick Henry Murphy, is scheduled to be executed tonight, March 28, 2019, after 6 o'clock, p.m., central time. He has filed in this Court a Motion for Leave to File an Original Petition for Writ of Prohibition. The accompanying Writ of Prohibition asks this Court to prohibit the State of Texas from carrying out Murphy's execution unless it provides him with a Buddhist minister in the execution chamber during the execution. If the State of Texas informs this Court it is unable to provide Murphy with a Buddhist minister in the execution chamber, Murphy requests this Court stay his execution by the State of Texas, currently scheduled for today, March 28, 2019, until the State is able to carry out the execution without violating Murphy's right to religious freedom.

In circumstances like these, a stay is warranted if there is: (1) a fair prospect that a majority of the Court will vote to grant the extraordinary writ and (2) a likelihood that irreparable harm will result from the denial of a stay. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010). The writ raises important questions of religious freedom it is probable this Court will address and resolve in favor of a death row inmate in Murphy's position; accordingly, if a stay is not granted, Murphy will suffer irreparable injury because he will be executed under circumstances that violate his First Amendment and statutory rights to freedom of religion.

Respectfully submitted,

/s/ David R. Dow

David R. Dow*
Texas Bar No. 06064900
Jeffrey R. Newberry
Texas Bar No. 24060966
University of Houston Law Center
4604 Calhoun Rd.
Houston, Texas 77204-6060
713-743-2171
713-743-2131 (facsimile)

Counsel for Patrick Murphy

* Member, Supreme Court Bar

Certificate of Service

I certify that on the 28th day of March 2019, I sent a copy of the foregoing Motion for Leave to Proceed *In Forma Pauperis* to Counsel for Respondents, Mr. Matthew Ottoway, via email to the following address:
Matthew.Ottoway@oag.texas.gov.

/s/ David R. Dow

David R. Dow