Nos. 22-6054 & 22A424

In the Supreme Court of the United States

STEPHEN DALE BARBEE,
Petitioner.
v.
BRYAN COLLIER, BOBBY LUMPKIN, DENNIS CROWLEY
Texas Department of Criminal Justice,
Respondents

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

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REPLY BRIEF OF PETITIONER

CAPITAL CASE

Mr. Barbee is scheduled to be executed on November 16, 2022

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REPLY BRIEF OF PETITIONER

On March 24, 2022, this Court decided *Ramirez v. Collier,* 142 S. Ct. 1264 (2022), ordering Respondents (hereafter, "TDCJ") to allow the inmate's spiritual advisor to be allowed to pray and lay hands on him during the execution. Recognizing that case-by-case dispositions of religious rights claims may result in continued "last-minute litigation." this Court provided the following guidance:

> [T]imely resolution of such claims could be facilitated if State were to adopt policies anticipating and addressing issues likely to arise. Doing so would assist both prison officials responsible for carrying out executions and prisoners preparing to confront the end of life according to their religious beliefs...If States adopt clear rules in advance, it should be the rare case that requires last-minute resort to the federal courts. If such cases do arise, and a court determines that relief is appropriate under the RLUIPA [, the proper remedy is an injunction ordering the accommodation, not a stay of execution. This approach balances the

> State's interest in carrying out capital sentences without delay and the prisoner's interest in religious exercise.
> (*Id*. at 1283).

Yet TDCJ has adamantly refused to adopt such policies and now protests that the District Court's injunction ordering TDCJ to do exactly that is forbidden by *Ramirez* and the Prison Litigation Reform Act ("PLRA") (Respondents' Brief in Opposition ("BIO") at 11-23); was procedurally improper (BIO at 23-25); was unnecessary because his religious accommodations have already been granted (BIO at 25-29); and against the public interest (BIO at 29-32). All these arguments are unavailing.

I. Introduction.

At its core, TDCJ's BIO relies on two arguments: (1) that the multiple separate affidavits it submitted indicating that TDCJ would permit Barbee's spiritual adviser to pray aloud and hold his hand have eliminated all need for further judicial scrutiny; and (2) the "only" remedy the District Court could have ordered is the requested accommodation. Neither carries much, if any, water.

TDCJ puts a great deal of weight on the first argument. It even framed its questions presented on the premise that it has already agreed to all accommodations, and also claims that there is no burden on Mr. Barbee's religious rights in light of its promises. What TDCJ is actually arguing is that the lawsuit has been mooted by its litigation-inspired concessions. This attempt to repackage and shoehorn in the mootness claim it mounted unsuccessfully in the District Court is unpersuasive.

If there were any doubt that TDCJ is dishing out gripes about mootness, it perhaps inadvertently lifted the lid in stating "Respondents believe their accommodations have rendered this case moot . . . ." (BIO at 12). Based on the briefing it has submitted to this Court, it appears

TDCJ maintains the belief that litigation about religious accommodations is necessarily mooted out once TDCJ decides to promise those accommodations. Perhaps that belief is inspired by its cramped reading of this Court's opinion in *Ramirez*. In a section that TDCJ characterizes as "dicta" (BIO at 3), the Court opined:

> If States adopt clear rules in advance, it should be the rare case that requires last-minute resort to the federal courts. If such cases do arise and a court determines that relief is appropriate under RLUIPA, the proper remedy is an injunction ordering the accommodation, not a stay of the execution. This approach balances the State's interest in carrying out capital sentences without delay and the prisoner's interest in religious exercise.

See also BIO at 27 (claiming "this best-practices recommendation [about the adoption of clear rules] represents neither a rule of law nor controlling precedent"). Somehow, TDCJ manages to omit the first sentence of the preceding paragraph and the clause "If such cases" from its repeated insistence that the holding of *Ramirez* is that "the proper remedy is an injunction ordering accommodation." (*See* BIO at 2 (insisting "there is only one correct remedy for a condemned inmate's complaint about limitations on religious exercise in the execution chamber"); *id.* at 12 (omitting the paragraph's broader context). The effort by TDCJ to slice-and-dice and separate the context from this paragraph is unavailing. *See* BIO at 18 ("The Court was explicit about what happens when the prison *does not change its policy* and litigation results—the federal court can order the religious accommodation." (emphasis added)). This Court actually explained what would happen when the prison *does change its policy* and litigation results.

Put simply, what this Court envisioned in Part IV(C) of the majority's opinion in *Ramirez* was the universe in which the TDCJ took the sensible course of action and adopted a policy

about spiritual advisors in the execution chamber. We do not yet live in that universe. Instead, TDCJ is trying to squeeze all judicial authority out of the equation. It posits that the federal judiciary has zero power to require a policy change. And, it further argues that the federal judiciary has no business asking questions once state officials make "sworn assurances." (BIO at 19). Here again TDCJ goes back to mootness. Unfortunately for TDCJ, the District Court already rejected its claim. *See* App.015 (finding that "[i]t is well settled that a defendant's voluntary cessation of a challenged practice does not deprive a federal court of its power to determine the legality of the practice." *City of Mesquite v. Aladdin's Castle, Inc.*, 455 U.S. 283, 289 (1982); *see also Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167, 174 (2000) ("A defendant's voluntary cessation of allegedly unlawful conduct ordinarily does not suffice to moot a case."). This Court has never held or implied that the District Court lacks the power to issue a preliminary injunction requiring a policy where TDCJ has made no changes to the protocol that was in effect when *Ramirez* was decided.

In a bald-faced disfiguring of *Ramirez*, TDCJ argues that requiring it to publish a policy will create more litigation because inmates "will simply argue that the policy needs to be changed." (BIO at 21). Not so. Instead, as the District Court found here, TDCJ's lack of a policy is the problem—is the source of the uncertainty, harm, and risk. The existence of a policy would alleviate last-minute questions. Whatever TDCJ says about Petitioner's motives and the State's need to see this execution through, they ignore one thing above all: they chose to challenge the District Court's injunction rather than comply with it. And, this Court is well aware that, faced with a challenge previously, "it took Texas only five days to change its [ ] policy." *Murphy v. Collier*, 139 S. Ct. 1475, 1477 (2019) (Kavanaugh, J., statement respecting grant of application

for stay). Rather than do what it can, TDCJ propelled the case on appeal, blaming Petitioner for seeking meaningful protection of religious rights.

It should also be noted that on November 15, 2022, the District Court entered an amended preliminary injunction. *Barbee v. Collier*, No. 4:21-cv-03077 (ECF No. 47).

II. Neither *Ramirez* Nor The PLRA Forbid The District Court's Injunction. (BIO at 11-23).

TDCJ argues that both the Prison Litigation Reform Act and the Supreme Court's decision in *Ramirez v. Collier*, 142 S. Ct. at 1283 (2022), "forbid" the District Court's injunction. (BIO at 11-23).

A. *Ramirez* does not forbid the injunction.

TDCJ's first argument—that the *Ramirez* decision "does not authorize" the District Court's injunction (BIO at 12), fundamentally misreads *Ramirez* and turns it on its head. TDCJ cites *Ramirez*' holding that when "a court determines that relief is appropriate under RLUIPA, the proper remedy is a tailored injunction ordering *the accommodation*," and that "a tailored inunction []—rather than a stay of execution—will be the proper form of equitable relief when a prisoner raises a RLUIPA claim in the execution context.") (emphasis in original) (BIO at 12-13, citing *Ramirez* at 1282-83.) Yet this is precisely what the District Court did. (*See* ROA.584[1], "Barbee's execution is fast approaching. He does not request, and the Court will not entertain any request for, a stay of execution...the Court determines that the issuance of an injunction is an appropriate remedy.")

Engaging in semantics, TDCJ interprets "accommodation" narrowly, to encompass only the *ad hoc* concessions TDCJ has made in Mr. Barbee's case (BIO at 12-13), but not measures

[1] "ROA" refers to the Electronic Record on Appeal filed in the Fifth Circuit Court of Appeals.

necessary to safeguard, protect and make meaningful those accommodations. The District Court explained why the injunction was the "least intrusive means necessary to correct the violation of the Federal right." (18 U.S.C. § 3626(a)(1)(A), cited in BIO at 12) (App.16-17). As the District Court explained, TDCJ has until recently disallowed their recent and contradictory concessions; they have no written policy on what a spiritual advisor may do in the execution chamber; the accommodations may be withdrawn at any time; and "an unwritten policy not only fails to guarantee protection of an inmate's rights—it fails to specify when discretion will be used to deny a religious accommodation." (App.17). This is not, as TDCJ argues, a scenario where "a condemned prisoner receives his accommodations." (BIO at 13). And by no stretch of the imagination can the District Court's injunction be construed as mandating "a policy rewrite" as TDCJ repeatedly argues. (BIO at 2, 4, 9, 11, 13, 17, 18, 25, 27, 32). The injunction pertained to only to the unwritten discretion afforded TDCJ's enforcement of religious rights under the current policy. ("It is clear, however, that the challenged practice . . . is a discretionary, ad hoc practice that leave[s] the inmates' constitutional rights under RLUIPA to the discretion of TDCJ officials.") (App.015). Terming this a "policy rewrite" is highly misleading.

TDCJ argues that *Ramirez* did not "mandate," but rather *suggested* in "mere dicta" the creation of new policies. (BIO at 3). Therefore, TDCJ asserts, the District Court injunction requiring a change to TDCJ's written protocol, rather than the mere assurances the State has provided, is an abuse of discretion. (BIO at 12-13). The argument fails. Essentially, TDCJ argues that a federal court abuses its discretion by requiring of the TDCJ exactly what *Ramirez* says RLUIPA requires. Assurances, in the form of a series of affidavits, informing the District Court that it would comply with Mr. Barbee's requested accommodations and promising "no take-

backs," were insufficient to meet the requirements of RLUIPA and adequately safeguard Mr. Barbee's rights. (App.15-17). If the District Court abused its discretion in requiring TDCJ to adhere to the Supreme Court's admonition to in "adopt clear rules" designed to "facilitate timely resolution" of religious liberty claims and "make litigation a rare occurrence," *Ramirez*, 142 S. Ct. at 1283, then it is hard to imagine what discretion the District Court had at all to fashion relief under RLUIPA in accordance with *Ramirez*.

In actuality, this Court's decision in *Ramirez* supports rather than undercuts the district's court's injunction. By arguing that the District Court went beyond the confines of *Ramirez* and abused its discretion, TDCJ invites piecemeal, repeated litigation of the type this Court despaired of in *Ramirez*. TDCJ urges this Court to vacate the injunction to allow TDCJ to continue to exercise unfettered discretion in determining the religious accommodations that it will provide to prisoners facing execution, including Mr. Barbee.

TDCJ urges that "RLUIPA . . . requires that courts take cases one at a time, considering only 'the particular claimant whose sincere exercise of religion is being substantially burdened." *Ramirez* at 1281 (citing *Holt v. Hobbs*, 574 U.S. 352, 263 (2015)." (BIO at 20). But TDCJ's crabbed reading of *Ramirez* requires each individual prisoner who desires spiritual accompaniment to pursue administrative remedies and then, eventually, litigation to enforce their rights under the First Amendment and the RLUIPA. The District Court anticipated the burden it would place on federal courts to allow TDCJ discretion to change their views without notice and at their complete discretion. (App.16-17). That court also recognized the burden for federal courts to be the arbiter of each and every request for religious accommodation in the execution

chamber put before the TDCJ. *(Id.)*. This was clearly not an abuse of discretion, but rather, a valid and valuable exercise of its discretion.

B. The PLRA provides no basis for vacating the injunction

TDCJ argues that the Prison Litigation Reform Act of 1995 ("PLRA") forecloses injunctive relief of the type the District Court issued here. (BIO at 16-17, 20-21). Language in the PLRA is cited to the effect that '[p]rospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs"; that such relief must be "narrowly drawn" and that relief must be "the least intrusive means necessary to correct the violation of the Federal right," 18 U.S.C. § 3626(b)(2). (BIO at 14). This argument misreads the PLRA and vastly overstates the Fifth Circuit's holding in *Gates v. Cook*, 376 F.3d 323, 338-39 (5th Cir. 2004) (BIO at 13).

Contrary to TDCJ's argument, *Gates* narrowly held that the Mississippi Dept. of Corrections was not required to "produce a writing preventative maintenance program to which it will adhere." *Gates*, 376 F.3d, 338-39. No such prison micro-management is in issue here, and a fair reading of *Gates* does not support the State's assertion that a federal court injunction can never require a policy change to be in writing. And nothing in the PLRA forbids that either.

TDCJ misstates the issue in averring that "the district court's injunction was premised on the idea that TDCJ would break its word and withdraw the accommodations Barbee has been promised under oath." (BIO at 19). The injunction was premised on vastly different considerations, mainly that the unwritten policy "fails to specify when discretion will be used to deny a religious accommodation" and the lack of any policy or notice as "to what behavior,

speech, action, or circumstance may result in a denial or withdrawal of a promised accommodation." (App.017). Even TDCJ's proposed remedy, "order the accommodations, make the injunction binding on all TDCJ staff and successors, and specify penalties" (BIO at 20), has not yet been accomplished.

C. Even if the injunction went beyond what *Ramirez* requires, TDCJ cannot prevail.

Even if TDCJ is correct that the strictest possible reading of the PLRA and *Ramirez* required the District Court to tailor its injunction narrowly to address only the specific harms alleged in Mr. Barbee's cause, the Court's injunction does not run afoul of the law. First, the language TDCJ cites to in the PLRA to the effect that "[p]rospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs" (BIO at 12), does not require what the Fifth Circuit did, to vacate the District Court's injunction. The District Court's injunction is not only sufficient, it is necessary to correct the violation of Mr. Barbee's religious rights under the RLUIPA. Additionally, it addresses the valid concern voiced by this Court in *Ramirez*: "[i]f States adopt clear rules in advance, it should be the rare case that requires last-minute resort to the federal courts." 142 S. Ct. at 1277. The proper remedy would have been to order the District Court to tailor the injunction more narrowly, not to vacate the injunction and deny relief at all. *See Seattle-First Nat. Bank v. Manges*, 900 F.2d 795, 800 (5th Cir. 1990) (injunction remanded to district court while it remained in force).

III. The Injunction Is Not "Procedurally Improper" (BIO at 23-25).

TDCJ argues that the District Court's injunction violates Rule 65(d)(1) because "it is impossible to tell from the face of the injunction exactly what TDCJ must do. And, since the

injunction never mentions the religious accommodations that Barbee specifically wants, the enjoined conduct is not clearly articulated within the four corners of the injunction." (BIO at 23, citing *Seattle-First Nat. Bank v. Manges*, 900 F.2d 795, 800 (5th Cir. 1990)).

This "four corners" argument is disingenuous, as the District Court clearly spelled out in its accompanying order what was required and the injunction specifically referred to that order ("in accordance with the Memorandum and Order issued this same day, the following preliminary injunction is hereby entered"). (App.018). It is also disingenuous for TDCJ to complain about not knowing what is required when they have been litigating these RLUIPA issues for over a year in this action.

Courts, including this one, have held that the specificity ("four corners") requirement is not rigid, however. An injunction must be framed so that those enjoined will know what conduct the court has ordered or prohibited. *International Longshoremen's Association v. Philadelphia Marine Trade Association*, 389 U.S. 64, 76 (1967); *Mayer v. Brown & Root Const. Co.*, 661 F.2d 369, 373 (5th Cir. 1981). The District Court's injunction easily meets that standard. *See also, Texas v. Equal Emp. Opportunity Comm'n*, 933 F.3d 433, 451 (5th Cir. 2019) (citing *Meyer*, finding that injunction met the specificity requirement of Rule 65 as defendants would know what it means); *Littell v. Houston Indep. Sch. Dist*., 894 F.3d 616, 631 (5th Cir. 2018); *Sec. & Exch. Comm'n v. Life Partners Holdings, Inc*., 854 F.3d 765, 784-85 (5th Cir. 2017) ("[I]njunctions are problematic when they order a defendant to obey the law but do not simultaneously indicate what law the defendant needs to obey...They are not problematic when they order a defendant to obey a specific law." (Internal citation omitted); *In re Rodriguez*, 695 F.3d 360, 369 (5th Cir. 2012).

Even in the case cited by TDCJ, *Seattle-First Nat. Bank*, this Court held that "[t]he district court did not abuse its discretion when it issued the...preliminary injunction..." *Seattle-First Nat. Bank*, 900 F.2d at 800. Abuse of discretion is the standard of review here, and TDCJ cannot show that the District Court abused its discretion in issuing the injunction. And even if this Court finds that the injunction failed to comply with Rule 65(d), the proper remedy was not to vacate the injunction, as the Fifth Circuit did, but remand it to the District Court "to reform the injunction to comply with Rule 65(d). Until then, the injunction shall continue in force according to its interpretation in this opinion." *Seattle-First Nat. Bank*, 900 F.2d at 800. Here, the District Court order and injunction provided the specificity necessary to comply with Rule 65(d) and adequately informed TDCJ of what they must do. (App.011-017)..

As the District Court observed, the problem is that "the defendants have not specifically formalized in a policy or otherwise described what the basis is for their unwritten practice." (App.015). Because "each inmate must seek an approval of TDCJ subject to an official's discretion....[i]nstead [it] is a discretionary, ad hoc practice that leave[s] the inmates' constitutional rights under RLUIPA to the discretion of TDCJ officials." (*Id.*).

The District Court's order was a denial of TDCJ's motion to dismiss based on mootness, not a ruling on the merits of the lawsuit. And it rightly pointed out that the case was not moot because 1) it is not absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur;" 2) that "the stubbornness of TDCJ to enact a policy to remove all discretion" militates against placing a lesser burden on TDCJ; 3) that nothing in TDCJ's promises explain how they will interpret this "silent execution" protocol in the future; 4) that TDCJ has not disavowed their former arguments they relied upon to deny religious accommodations in the

past; that 5) a case is not rendered moot when TDCJ still defends the constitutionality of its challenged policy; 6) that Director Lumpkin's assurances are personal and may not be carried out; and that 7) TDCJ still has a policy in effect that is silent on what a spiritual advisor may do in the execution chamber. (App.016-016).

IV. TDCJ's Concessions Do Not Foreclose Barbee's RLUIPA Claim (BIO at 25-32).

TDCJ argues that Barbee's claim for relief has effectively been foreclosed by the accommodations Defendant Lumpkin has made, piecemeal, during the course of the litigation in the District Court. This attempt to repackage and shoehorn in the mootness claim it mounted unsuccessfully in the District Court is unpersuasive. TDCJ's "voluntary cessation," or, as the District Court more accurately put it, a "promise[] to conduct Barbee's execution in a manner that comports with his rights" (App.015 n.6), does not alleviate the substantial burden imposed on Barbee's religious rights. "If defendants could eject plaintiffs from court on the eve of judgment, then resume the complained-of activity without fear of flouting the mandate of a court, plaintiffs would face the hassle, expense, and injustice of constantly relitigating their claims without the possibility of obtaining lasting relief." *Sossamon v. Lone Star State of Texas*, 560 F.3d 316, 324 (5th Cir. 2009), *cert. granted in part sub nom. Sossamon v. Texas*, 560 U.S. 923 (2010), *aff'd sub nom. Sossamon v. Texas*, 563 U.S. 277 (2011). TDCJ has failed to carry the "heavy burden" of establishing that the complained-of conduct "cannot reasonably be expected to start up again." *Friends of the Earth, Inc. v. Laidlaw Envtl. Services (TOC), Inc.*, 528 U.S. 167, 189 (2000).

At bottom, TDCJ's position is that their word is enough. The District Court's thorough findings below underscore how "TDCJ is now operating under an unwritten policy where prison

officials may unilaterally decide whether to allow an inmate's requested accommodation." (App.017). The Order demonstrates that this "discretionary, ad hoc practice . . . leaves the inmates['] constitutional rights . . . to the discretion of TDCJ officials" (App.015); *see also Gonzales v. Collier*, No. 4:21-CV-00828, 2022 WL 4100852, at *2 (noting "accommodations granted in advance of the execution can potentially be modified at the discretion of Director Lumpkin and the Warden in the moments immediately prior to the commencement of the execution"). TDCJ has not maintained a consistent or reliable position about how they will interpret or enforce their own protocols.[2] Permitting TDCJ to evade scrutiny by making unenforceable promises about how they will utilize their discretion would represent an abdication of proper judicial authority. *See Holt v. Hobbs*, 574 U.S. 352, 364 (2015) (noting that RLUIPA prohibits "unquestioning deference" to the agency's decision-making rationale). A decision to vacate the injunction would place Barbee in the very conundrum that this Court's mootness doctrine had promised not to leave him.

The notion that TDCJ's concessions-by-affidavit suffice to lift the burdens on Barbee's religious rights was rejected by the District Court. Prior decisions to respect the religious rights of death row inmates during the execution process were made only by TDCJ shifting its interpretations of the execution protocol. The District Court did not abuse its discretion in holding that the accommodations promised here do not moot the lawsuit on the grounds that

[2] *See, e.g.*, App.014 ("Where prison officials originally interpreted the 2021 protocol's silence as a bar on touch and prayer, they now interpret the provision to allow it, at their discretion."); at *Id.* (""TDCJ has apparently left the question of what a spiritual advisor may do to the discretion of prison officials, including the TDCJ Director. Until quite recently, TDCJ officials interpreted the silence in the official protocol to prohibit any physical touch or audible prayer in the execution chamber. Now, TDCJ would have the Court accept their latest pronouncement that the same provisions may be read to allow physical contact and audible prayer.").

TDCJ maintains full discretion and continues to defend the legality and constitutionality of the challenged policy. (*See* App.014-016).

TDCJ's unfettered ability to change their views and the protocol's susceptibility to a range of interpretations create genuine concerns for Mr. Barbee. The District Court credited as "meritorious and compelling" his arguments that Director Lumpkin retained the "ability to change the execution practice at the last minute" and that the "personal" quality of his assurances would mean little if he were no longer in his role at the time of the execution. (App.016). The preliminary injunction protects Mr. Barbee from the vagaries that threaten to undermine the exercise of his religious rights. If executed, he would have no recourse were TDCJ officials to change their minds, for whatever reason. It is difficult to imagine a more substantial burden on free exercise than one that inflicted a grave "spiritual [harm]" upon someone who could then never seek redress. *Ramirez*, 142 S.Ct. at 1282; *see also Sambrano v. United Airlines, Inc.*, 45 F.4th 877, 881 (5th Cir. 2022) (Ho, J., concurring) ("To millions of people of faith—including the members of the Supreme Court—it's painfully obvious that there's no way to calculate damages to compensate for the loss of one's soul.").

V. The Equities Continue to Favor Barbee, Who Seeks Only to Protect His Religious Rights (BIO at 29-32).

The equities have not swung in TDCJ's favor; they remain firmly with Barbee. Contrary to TDCJ's suggestion, Mr. Barbee did not pursue this lawsuit to seek delay of his punishment. Like Mr. Ramirez, he "does not seek an open-ended stay of execution." *Ramirez v. Collier*, 142 S. Ct. at 1282; *see* App.016 (observing that Barbee "does not request . . . a stay of execution."). TDCJ have been on notice at least since the U.S. Supreme Court decided *Ramirez* in March of

this year that "timely resolution" of claims like Mr. Barbee's "could be facilitated" if TDCJ "adopt[ed] policies anticipating and addressing issues likely to arise . . . ." *Ramirez* at 1283. Over more than seven months since that opinion was published, TDCJ has decided to submit a series of affidavits, with evolving and contradictory concessions, rather than addressing the execution protocol at the root of the problem. Moreover, the State sought the current execution date while this lawsuit remained unresolved and did so despite the District Court's October 7, 2021 issuance of a stay. These decisions—all intentional choices made in the face of this ongoing litigation—have generated the tension and uncertainty that may ultimately necessitate delay. Mr. Barbee's decision to seek protection of his constitutionally-guaranteed religious rights should not be outweighed by the State's interest in finality when the State itself is responsible for a needless conflict between these interests. TDCJ could still comply with the preliminary injunction by adopting a clear policy, and thereby avert a delay in the execution. In short, Mr. Barbee's interest and the public's interest in the protection of religious rights surpasses whatever interests attach in this situation the State and TDCJ have manufactured.

CONCLUSION

For the forgoing reasons, the Court should stay the mandate of the Fifth Circuit Court of Appeals and grant the petition for writ of certiorari to consider the important questions presented by this petition.

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Respectfully submitted,

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