

No. 21-439

IN THE
Supreme Court of the United States

MICHAEL NANCE

Petitioner,

v.

COMMISSIONER, GEORGIA DEPARTMENT OF
CORRECTIONS, AND WARDEN, GEORGIA DIAGNOSTIC
AND CLASSIFICATION PRISON,

Respondents.

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

MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF JOINT APPENDIX

MATTHEW S. HELLMAN
Counsel of Record
JENNER & BLOCK LLP
1099 New York Ave., NW
Washington, DC 20001
(202) 639-6000
mhellman@jenner.com

Pursuant to Rule 26.8 of the Rules of this Court, Petitioner respectfully seeks leave to dispense with the requirement of a joint appendix.

The Court granted certiorari to consider the following questions of law: (1) Whether an inmate's as-applied method-of-execution challenge must be raised in a habeas petition instead of through a § 1983 action if the inmate pleads an alternative method of execution not currently authorized by state law; (2) Whether, if such a challenge must be raised in habeas, it constitutes a successive petition where the challenge would not have been ripe at the time of the inmate's first habeas petition. Rule 26.1 provides that the Joint Appendix need not include any items that are already reproduced in the appendix to the petition for writ of certiorari, or in the appendix to the brief in opposition. In this case, those appendices include the relevant materials from the U.S. Court of Appeals for the Eleventh Circuit and the District Court. In Petitioner's view, no other portion of the record merits special attention such as would warrant the preparation and expense of a joint appendix, and preparation of a joint appendix would not materially assist the Court's consideration of the case.

Respondents likewise agree that a joint appendix is unnecessary.

Respectfully submitted,

MATTHEW S. HELLMAN
Counsel of Record
JENNER & BLOCK LLP
1099 New York Ave., NW
Washington, DC 20001
(202) 639-6000
mhellman@jenner.com