

In the Supreme Court of the United States

No. 21-5592

JOHN H. RAMIREZ, PETITIONER

v.

BRYAN COLLIER, EXECUTIVE DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.
(CAPITAL CASE)

*ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT*

MOTION TO FILE VOLUME II OF JOINT APPENDIX UNDER SEAL

Pursuant to Rule 21 of the Rules of this Court, respondents respectfully move for leave to file under seal Volume II of the parties' joint appendix.*

1. This case arises from a lawsuit filed by petitioner challenging his execution scheduled for September 8, 2021. Petitioner sought a stay of execution. The district court and the court of appeals denied petitioner's requests for a stay of execution. Petitioner filed an application for a stay and a petition for a writ of certiorari in this Court. On September 8, 2021, this Court granted both the application and the petition and directed the Clerk to set the case for oral argument. On September 9, 2021, the Court established an expedited briefing

* Petitioner consents to this motion. Pursuant to Rule 29.6 of the Rules of this Court, no corporate disclosure statement is required.

schedule and set the case for argument on November 1, 2021. On September 10, 2021, the Court directed the parties to address, *inter alia*: (1) whether petitioner adequately exhausted his audible prayer claim under the Prison Litigation Reform Act; (2) whether petitioner has satisfied his burden under the Religious Land Use and Institutionalized Persons Act to demonstrate that a sincerely held religious belief has been substantially burdened by restrictions on either audible prayer or physical contact; (3) whether the government has satisfied its burden to demonstrate its policy is the least restrictive means of advancing a compelling government interest; and (4) the type of equitable relief petitioner is seeking, the appropriate standard for this relief, and whether that standard has been met here.

The record in this case includes the reply in support of a stay of execution filed by petitioner in the district court. The reply contains information that is of a highly confidential nature, including information identifying prison personnel involved in executions. If publicly disclosed, this information represents a security risk. The reply was placed under seal by the district court.

2. In conjunction with the filing of petitioner's brief, petitioner will file a two-volume joint appendix. Volume I of the joint appendix includes the relevant docket entries and other items designated by the parties. Volume II of the joint appendix contains the reply. Respondents move for leave to file Volume II of the joint appendix under seal to protect the sensitive information contained in the reply.

Respectfully submitted.

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