

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

GARCIA GLENN WHITE,
Petitioner,

VS.

BOBBY LUMPKIN,
Respondent

APPLICATION FOR STAY OF EXECUTION

THIS IS A CAPITAL CASE.
EXECUTION IS SET FOR TUESDAY, OCTOBER 1, 2024

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To the Honorable Samuel Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Fifth Circuit:

The State of Texas intends to execute Garcia Glenn White on October 1, 2024. Mr. White respectfully requests a stay of execution pending consideration and disposition of a petition for writ of certiorari that is being filed with this application. In support of this request, Mr. White would show the following:

1. Garcia Glenn White respectfully requests a stay of execution pursuant to 28 U.S.C. § 2101(f) pending consideration of his petition for writ of certiorari.

This Court may stay the execution of an individual if the Court needs additional time to resolve issues raised in a petition for certiorari. *Lonchar v. Thomas*, 517 U.S. 314, 320 (1996).

2. To determine whether the Court should grant a stay of execution, the Court considers the prisoner's likelihood of success on the merits, the relative harm to the parties, the extent to which the prisoner has unnecessarily delayed his claims, and the public interest. *Hill v. McDonough*, 547 U.S. 573, 584 (2006).

3. Mr. White is likely to succeed on the merits of his claim. Mr. White has also presented new evidence that he is intellectually disabled, and thus ineligible for the death penalty under *Atkins v. Virginia*. The Fifth Circuit has rejected this claim as time barred, which defeats the underlying rationale for such a claim. .

4. If the Court does not grant a stay of execution, Mr. White will be

irreparably harmed. He will be put to death by the State of Texas on October 1, 2024.

5. The public interest is best served in this instance by answering the question presented as to whether ID claims may be brought outside normal time bars. The public interest thus also weighs in favor of a stay of execution.

For the foregoing reasons, as well as those set forth in the companion petition for writ of certiorari, Mr. White respectfully requests that his application for a stay of execution be granted.

Respectfully submitted,

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Date: 09/30/24