

**IN THE  
SUPREME COURT OF THE UNITED STATES**

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No. \_\_\_\_\_

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**LANCE SHOCKLEY,**

*Petitioner,*

**vs.**

**RICHARD ADAMS, et al.,**

*Respondents.*

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**On Petition For A Writ Of Certiorari To The  
United States Court of Appeals for the Eighth Circuit**

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**APPENDIX**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

|                                 |   |                     |
|---------------------------------|---|---------------------|
| LANCE SHOCKLEY,                 | ) |                     |
| <i>Petitioner,</i>              | ) |                     |
|                                 | ) |                     |
| v.                              | ) | Case No. 25-1513    |
|                                 | ) |                     |
| RICHARD ADAMS                   | ) |                     |
| Warden,                         | ) | DEATH PENALTY CASE  |
| Eastern Reception and           | ) | EXECUTION SCHEDULED |
| Diagnostic Correctional Center; | ) | OCTOBER 14, 2025,   |
| HEATHER COFER                   | ) | 6:00 PM CST         |
| Warden,                         | ) |                     |
| Potosi Correctional Center;     | ) |                     |
| MYLES STRID                     | ) |                     |
| Director,                       | ) |                     |
| Division of Adult Institutions; | ) |                     |
| TREVOR FOLEY,                   | ) |                     |
| Director, Missouri              | ) |                     |
| Department of Corrections,      | ) |                     |
| <i>Respondents.</i>             | ) |                     |

COMPLAINT UNDER 42 U.S.C. § 1983

INTRODUCTION

1. Lance Shockley is scheduled to be executed at the Eastern Reception and Diagnostic Correctional Center in Bonne Terre, Missouri, on October 14, 2025, at 6:00 PM CST.
2. The Missouri Department of Corrections (“MODOC”) has denied him the choice of Morgan Shockley and Summer Shockley as spiritual advisors, Morgan Shockley’s presence as his spiritual advisor in the execution chamber to touch and pray over him, and Summer Shockley to administer communion and anoint him with oils as the MODOC executes him only because his chosen spiritual advisors are members of his family.

3. The condemned have the right to have a spiritual advisor by their side to touch and pray over them as they are executed. *See, e.g., Ramirez v. Collier*, 595 U.S. 411 (2022); *Dunn v. Smith*, 141 S. Ct. 725 (2021).
4. In compliance with the Supreme Court's precedent, the MODOC as a matter of institutional policy allows condemned persons to have their chosen spiritual advisors accompany them in the execution chamber.
5. Indeed, in the last two years, every executed person in Missouri except for one has had his spiritual advisor present during his execution. *See e.g., Missouri death row inmate Kevin Johnson executed for killing police officer in 2005*, Sky News (Nov. 30, 2022) <https://news.sky.com/story/missouri-death-row-inmate-kevin-johnson-executed-for-killing-police-officer-in-2005-12758572> (last visited Oct. 9, 2025) ("However, in a first in modern executions in Missouri, [Kevin] Johnson was not alone when he died. The 37-year-old had his spiritual advisor, the Reverend Darryl Gray, beside him.").
6. Furthermore, although not specific or limited to death-sentenced people, MODOC has an established policy concerning spiritual advisors for people in MODOC custody. Ex. A. The policy addresses, among other matters, who may serve as a spiritual advisor and the "qualifications" a person must possess to be able to serve as a spiritual advisor. Ex. A at 2 (D5-3.3(III)(B))2(d)).
7. MODOC policy explicitly contemplates a situation in which immediate family members, such as the offender's children, serve as spiritual advisors. Ex. A. at 2 (D5-3.3(II)(E)(g)).
8. Under the MODOC policy and past MODOC execution practice, Mr. Shockley has designated two spiritual advisors, Summer Shockley Anagnostopolous and Morgan Shockley, who are his daughters. Mr. Shockley has requested Morgan Shockley be present in the chamber with him as the execution takes place, and Summer Shockley be in the viewing area. Both

Summer Shockley and Morgan Shockley are “spiritual advisors” under the MODOC policy’s definition. Morgan Shockley was endorsed by River of Life Church in Van Buren, MO and certified by The Missouri Way. Ex. B; Ex. G. Summer Shockley was ordained by American Marriage Ministries and endorsed by Bluff First Assembly of God Church in Poplar Bluff, MO. Ex. C; Ex. H.

9. Yet, despite Summer Shockley and Morgan Shockley possessing the proper spiritual advisor “qualifications” and MODOC’s express policy allowing immediate family to serve as spiritual advisors, MODOC has denied Mr. Shockley’s request to have Morgan Shockley in the execution chamber as his spiritual advisor. Ex B.
10. The MODOC’s refusal to allow Mr. Shockley’s spiritual advisors to be present as the State executes him and as he passes into the afterlife violates his rights under the First Amendment Free Exercise Clause and the Religious Land Use and Institutional Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc et seq., because this bar on his spiritual advisors prohibits the free exercise of Mr. Shockley’s religion and invades his religious liberty.
11. Mr. Shockley seeks relief under 42 U.S.C. § 1983 to ensure he is executed only in a manner that does not substantially burden the exercise of his sincerely held religious beliefs and does not violate his rights under the First Amendment or the RLUIPA.

### **JURISDICTION**

12. This Court had jurisdiction under 42 U.S.C. §§ 2000cc-1, 28 U.S.C. §§ 1343, 1651, 2201 and 2202, and under 42 U.S.C. § 1983.

### **VENUE**

13. Mr. Shockley will be executed at the Eastern Reception and Diagnostic Correctional Center in St. Francois County, Missouri. Venue thus lies with this Court because it is the district in

which “a substantial part of the events or omissions giving rise to the claim” will occur. 28 U.S.C. § 1391(b)(2).

### **PARTIES**

14. Petitioner Lance Shockley is a prisoner in the custody of the Missouri Department of Corrections. He is scheduled to be executed at the Eastern Reception and Diagnostic Correctional Center, 2727 Highway K, Bonne Terre, MO 63628, on October 14, 2025, at 6:00 PM CST.
15. Respondent Richard Adams is the Warden of Eastern Reception and Diagnostic Correctional Center and is responsible for ending Mr. Shockley’s life. He denied Mr. Shockley’s spiritual advisor request for his institution. Ex. K. He is sued in his official capacity.
16. Respondent Heather Cofer is the Warden of Potosi Correctional Center and is responsible for Mr. Shockley’s confinement until he is transferred to Eastern Reception and Diagnostic Correctional Center for execution and was involved in the decision to deny Mr. Shockley qualified spiritual advisorship. Ex. F at 2. She is sued in her official capacity.
17. Respondent Myles Strid is the Director of the Division of Adult Institutions of the Missouri Department of Corrections and made the final determination to deny Mr. Shockley qualified spiritual advisorship. Ex. F at 2; Ex. Q; Ex. R. He is sued in his official capacity.
18. Respondent Trevor Foley is the director of the Missouri Department of Corrections, 2729 Plaza Drive, P.O. Box 236, Jefferson City, MO 65102. As director of the department, he is responsible for the management of all Missouri correctional institutions. He is sued in his official capacity.

### **PROCEDURAL HISTORY**

19. Summer Shockley and Morgan Shockley applied to MODOC to be designated as spiritual advisors for their father, Lance Shockley. Both Summer and Morgan Shockley filled out the MODOC application and provided documentation necessary for their credentialing.
20. MODOC denied Summer and Morgan Shockley's applications to serve as spiritual advisors for Lance Shockley and informed them their applications had been denied because they were family members. *See e.g.*, Ex. F ("Nathan Forbes contacted Morgan Shockley stating that she was not eligible to serve as a Spiritual Advisor to her father, Lance Shockley, because she is immediate family."); Ex. M at 1 ("[T]he department will allow Mr. Shockley to designate a spiritual advisor *who is not related to Mr. Shockley*, to have a contact visit and administer the communion materials and anointing oils.]"(emphasis in original)).
21. Summer and Morgan Shockley appealed the MODOC denial pursuant to MODOC policy. MODOC upheld their original denials based on their status as Lance Shockley's family members. Ex. D; Ex. J.
22. The MODOC offered some accommodation to Mr. Shockley but denied his requests for contact visits with one or both of his designated spiritual advisors. This denial included pre-execution visits for the purpose of praying, receiving communion, and the use of anointing oil in their religious ceremonies. The MODOC further denied Mr. Shockley's request that Morgan Shockley be allowed in the execution chamber to pray with Mr. Shockley as he is executed on October 14, 2025. Ex. M.
23. Mr. Shockley filed an internal grievance with the MODOC on October 8, 2025, and the MODOC denied the grievance on the same date. Ex. Q.

#### **FACTUAL BACKGROUND**

24. Lance Shockley's Christian faith is central to who he is as a man and how he conducts his life in prison. Lance Shockley has dedicated his life over the last twenty years to the service of

others and to living out Christ's example every day. It is well known within the prison that Lance is seldom without his Bible and will mentor and pray with every inmate that allows him to. Lance is incredibly involved in religious services within the institution and does his best to supplement them as well. See Laura Kosta, *A Shoe Repairman with a 'Servant's Heart,'* St. Louis Review (Sept. 25, 2025) <https://www.stlouisreview.com/story/a-shoe-repairman-with-a-servants-heart> (last visited Oct. 9, 2025); Krisanne Vaillancourt Murphy, *No Life is Beyond Redemption: Renewed Efforts to End Death Penalty in Respect Life Month,* Vatican News (Oct. 9, 2025), <https://www.vaticannews.va/en/church/news/2025-10/respect-life-month-catholic-mobilizing-network-death-penalty.html> (last visited Oct. 9, 2025) (quoting Archbishop Mark Rivotuso as saying that Mr. Shockley is "very devout to his faith."); Laura Kosta, *Archdiocese Launches New Program to End the Death Penalty,* St. Louis Review (Oct. 9, 2025), <https://www.stlouisreview.com/story/archdiocese-launches-new-program-to-end-the-death-penalty/> ("[Lance's] ability to articulate and express himself in his depth of faith . . . there is such a conviction there.").

25. The policy's definition of a "spiritual advisor" is a "[c]ommunity spiritual leader of any religious group formally authorized and empowered by a religious body to administer ordinances or sacraments, to perform mandatory rites, counsel, and to conduct religious or spiritual services and studies subject to institutional verification of his credentials." Ex. A at 2.
26. Under Section III.B.2.a. of the MODOC policy, "In the event the clergy or spiritual advisor is an immediate family of the offender, visiting privileges may be provided either as a clergy or spiritual advisor or in accordance with the institutional services procedure regarding offender visitation, but not both." Ex. A 2. MODOC policy therefore does not prohibit immediate family from serving as spiritual advisors.
27. "Immediate family" is defined as "the offender's . . . children/stepchildren . . . ." Ex. A at 2.



28. MODOC policies provide a spiritual advisor must apply by submitting a spiritual advisor approval form. Ex. A at 2. The approval form must be accompanied by at least two of the following documents: ordination certificate; listing as clergy or spiritual advisor in a religious organization publication or website; letter of endorsement (on official letterhead) from the respective religious organization; federal income tax filing status as “clergy or minister”; and designation on approved visiting application as clergy or spiritual advisor. Ex. A at 2-3.
29. Both Morgan and Summer Shockley followed the steps to be designated Mr. Shockley’s spiritual advisors as required. Ex. B; Ex. C; Ex. G; Ex. H. Pursuant to Section III.B.2.a. of the MODOC policy, Morgan and Summer Shockley have requested privileges as spiritual advisors, rather than as family members.
30. Morgan Shockley was notified on August 21, 2025, by the acting chaplain at Potosi Correctional Center that her application to be a spiritual advisor for her father was denied. Ex. F at 3. The reason provided by Mr. Forbes was that she was a family member and would not be allowed to perform the functions of a spiritual adviser for that reason alone. Ex. F at 3. Morgan Shockley appealed the decision citing the DOC’s policy as set forth in Exhibit A. Ex. D at 1.
31. Morgan Shockley’s appeal was sent to Aaron B. Davis, Religious and Spiritual Programming Coordinator for the Missouri Department of Corrections. Mr. Davis requested additional documentation from Morgan Shockley and after receiving the paperwork he notified her that she “appears to be qualified to serve as a spiritual advisor.” Ex. G at 3. Mr. Davis then informed Morgan that he would “contact the administration of PCC to let them know that you are qualified as an advisor” and that “the facility would need to accommodate you as a spiritual advisor.” Ex. G at 3. Mr. Davis emailed a day later at 7:30 AM and clarified his prior approval email saying, “My review is only based on the qualifications. If they have other

concerns, they will consult the division director, so you may want to contact PCC to find out if they are changing the denial or not.” Ex. G at 1.

32. At the same time Mr. Davis was emailing Morgan Shockley regarding her approval, he was also informing the acting chaplain, Mr. Forbes, and Potosi Correctional Center Warden Heather Cofer that he had approved Morgan’s request. Ex. F at 1-3. Mr. Davis informed them of his approval at 3:58 PM on September 25, 2025. *Id.* Warden Cofer emailed Mr. Davis back at 5:07 PM on September 25, 2025, that DOC Director Strid denied her request and that “the decision to deny her as a spiritual advisor will stand.” Ex. F at 2. Mr. Davis responded the following morning to Warden Cofer at 7:26 AM and informed her that he “meant to include in my earlier email that if there are safety/security concerns (and there are) then they should be taken to director Strid. I apologize for any confusion.” Two minutes later at 7:28 PM Warden Cofer emails back and asks whether “[Morgan] has been contacted.” Ex. F at 2. Mr. Davis then responds stating, “When I contacted her, I advised her that I only review it based on the qualifications, so she would need to contact the facility regarding the status of her application.” Ex. F at 2.

33. The email timeline shows that Mr. Davis told Warden Cofer that he informed Morgan Shockley that there were concerns with her application and that she should take her concerns to director Strid. Ex. F at 2. At the time he wrote this he had not informed Morgan of any concerns about her application, nor had he suggested she contact Director Strid. When he finally emailed Morgan the following morning, he did not inform her that her appeal was denied, that there were any concerns, nor that she should contact Director Strid as he had told Warden Cofer. Ex. G at 1. Mr. Davis only said to Morgan Shockley, “*if* they have other concerns” but he did not express that any such concerns existed. Ex. G at 1.

34. A formal denial was communicated via voicemail to Mr. Shockley's counsel on September 26, 2025, via email from Assistant Missouri Attorney General Michael Spillane.
35. The MODOC communicated its proposed accommodations to Mr. Shockley on October 6, 2025. Ex. M. The MODOC declined to designate either Morgan or Summer Shockley as spiritual advisors. *Id.* In addition, the MODOC denied Mr. Shockley's request for in-person visits with his spiritual advisors for purposes of exercising his religion. *Id.* This included contact visits for purposes of receiving communion and for use of anointing oils in their religious practices. Finally, the MODOC declined to allow Morgan Shockley to be present in the execution chamber to pray with Mr. Shockley if the execution proceeds on October 14, 2025. *Id.*
36. Counsel for Mr. Shockley requested clarification as to several aspects of the MODOC's proposed accommodations and the MODOC provided additional accommodations and some additional clarification. Ex. M. The MODOC continued to deny Mr. Shockley's request for contact visits with his spiritual advisors and for his spiritual advisor designee, Morgan Shockley, to be present with him in the execution chamber. *Id.*
37. Mr. Shockley utilized the prison grievance process to request Morgan Shockley's presence in the execution chamber and in person communion from Summer Shockley. This grievance was filed on October 8, 2025, one day following the Missouri Department of Corrections formal notification to his counsel. The MODOC issued its IRR denial on October 8, 2025. Ex. Q.
38. The IRR denial from MODOC indicates that Morgan Shockley was denied her request to serve as a spiritual advisor stating, "does not meet the requirements to be your spiritual advisor while you are on pre-execution status due to institutional safety and security concerns, which causes a failure to satisfy the background check provision of D 5-3.3III(B) (2) (c) (2)." Ex. Q

at 3. The MODOC has not provided any information regarding what, if any, concerns arose during Morgan Shockley's background check.

39. The IRR denial from the MODOC also states that Morgan Shockley's initial application was denied on August 21, 2025, and that the basis for the denial was "D5-3.3III(B)(2)(c)(2), which relates to the safety and security of the institution." Ex. Q at 2. The August 21, 2025, letter from MODOC only stated that "no immediate family member is eligible to be a clergy/spiritual advisor." Ex. F at 3. The letter did not reference any part of MODOC Policy D5-3.3. Morgan Shockley appealed the MODOC decision, Ex. D, but the latest denial indicated for the first time Morgan Shockley's appeal "was improper because the basis for the denial was under D5-3.3III(B)(2)(c)(2)." Ex. Q at 2. The MODOC communications with Morgan Shockley do not reference a specific basis for the denial other than her status as a family member of Lance Shockley. Ex. . The IRR denial argues, however, that concerns about "institutional safety and security . . . was communicated to Morgan Shockley by email on Friday, September 26, 2025 at 7:30 A.M." Ex. Q at 2. The referenced email did not indicate MODOC had made the decision to uphold the denial nor did the email explain that the denial was based on any factor beyond her status as a family member. Ex. G at 3; Ex. F at 3.
40. The IRR denial notes for a second time that Morgan and Summer Shockley's requests to serve as spiritual advisors was denied based on "[t]he background check provision" referenced in "D5-3.3III(B)(2)(c)(2)." Ex. Q at 3. MODOC has not provided any information with respect to the type of background check conducted and, what, if any, concerns resulted from the MODOC's investigation.
41. The IRR denial rejected the proposed alternative requiring Morgan Shockley to sign an agreement not to disclose sensitive institutional information resulting from their presence in the chamber. Ex. Q at 3. The IRR letter suggests previous spiritual advisors violated similar

agreements but does not provide the language of these agreements nor does the letter outline what, if any, sensitive information was shared by these prior spiritual advisors that would invalidate future use of similar agreements. Ex. Q at 3. Further, neither Summer nor Morgan has ever caused any problems in the nearly two decades of visiting Mr. Shockley in prison, and there is no evidence that either would violate policy now that they are taking part in MODOC process.

### **CLAIMS FOR RELIEF**

42. Mr. Shockley re-alleges and incorporates herein by reference all the allegations contained in the proceeding paragraphs of this Complaint.

#### **First Claim for Relief: Free Exercise of Religion**

43. The Free Exercise Clause of the First Amendment commands that “Congress shall make no law . . . prohibiting the free exercise of” religion. U.S. Const. amend. I. The Free Exercise Clause is binding on the states through the Fourteenth Amendment. *See Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

44. “The Free Exercise Clause . . . protects the right of citizens to exercise religious beliefs free of any governmental interference or restraint. Its protections ‘pertain if the law at issue discriminates against some or all religious beliefs or regulates or prohibits conduct because it is undertaken for religious reasons,’ and it is not violated in the absence of a ‘showing of direct governmental compulsion.’” *Tarsney v. O’Keefe*, 225 F.3d 929, 935 (8th Cir. 2000) (first quoting *School Dist. of Abington Township v. Schempp*, 374 U.S. 203, 222 (1963), then quoting *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993), and then quoting *Engel v. Vitale*, 370 U.S. 421, 430 (1962)); *see also In re Kemp*, 894 F.3d 900 (8th Cir. 2018) (“The free

exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires. The government may not . . . impose special disabilities on the basis of religious views or religious status . . . .” (quoting *Employment Div., Dept’t of Human Res. of Oregon v. Smith*, 494 U.S. 872, 877 (1990))).

45. The MODOC’s refusal to allow Summer Shockley and Morgan Shockley to be with Mr. Shockley in the crucial moments leading to his passage into the afterlife deprives Mr. Shockley of the free exercise of his religion. Summer Shockley and Morgan Shockley are Mr. Shockley’s spiritual advisors, and Morgan Shockley’s ability to touch and pray over him and Summer Shockley’s administration of communion in accordance with Mr. Shockley’s religious values and practices. By barring Mr. Shockley’s spiritual advisors from being present, the MODOC compels Mr. Shockley to give up the free exercise of his religious beliefs that the First Amendment entitles him to. *See Mahmoud v. Taylor*, 145 S. Ct. 2332, 2386 (2025) (“[The Free Exercise] Clause prohibits the government from compelling individuals, whether directly or indirectly, to give up or violate their religious beliefs.”); *Lying v. Northwest Indian Cemetery Protective Assn.*, 485 U.S. 439, 450 (1988) (the Free Exercise Clause prohibits laws that have a “tendency to coerce individuals into acting contrary to their religious beliefs.”).
46. The level of scrutiny to be applied when reviewing policies that hinder an individual’s ability to freely exercise his religion depends on whether the law is neutral and generally applicable. *Church of Lukumi Babalu Aye, Inc.*, 508 U.S. at 531. A law that is “neutral and of general applicability need not be justified by a compelling government interest even if the law has the incidental effect of burdening a particular religious practice.” *Id.* But a law that does not satisfy both requirements “must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest.” *Id.*; *see also Masterpiece Cakeshop v. Colorado Civil Rights Comm’n*, 584 U.S. 617, 643 (2018).

47. Here, the MODOC's action is neither neutral nor of general applicability because it specifically targets religious-based activity and religious worship and ultimately suppresses religious practice. *Contra Olsen v. Mukasey*, 541 F.3d 827, 832 (8th Cir. 2008) ("Absent evidence of an intent to regulate religious worship, a law is a neutral law of general applicability."). As such, it is subject to the Free Exercise Clause. *But see Cornerstone Bible Church v. City of Hastings*, 948 F.2d 464, 472 (8th Cir. 1991) (noting that the Supreme Court in *Smith*, 494 U.S. at 879, determined that a neutral law of general applicability that incidentally impinges on religious practice will not be subject to attack under the free exercise clause.").
48. The lack of neutrality and general applicability is particularly salient considering factors like "the historical background of the decision under the challenge, the specific series of events leading to the enactment or official policy in question, and the legislative or administrative history, including contemporaneous statements made by members of the decision-making body." *Masterpiece Cakeshop*, 584 U.S. at 539 (quoting *Church of Lukumi Babalu*, 508 U.S. at 540).
49. Considering the circumstances of the MODOC's denial of Mr. Shockley's request for his spiritual advisors in light of MODOC's spiritual advisor policy, "the record here demonstrates that the [MODOC's consideration of [Mr. Shockley's] case was neither tolerant nor respectful of [Mr. Shockley's] religious beliefs." *Masterpiece Cakeshop*, 584 U.S. at 639; *see supra* Factual Background. Indeed, the MODOC's denial is targeted at *Mr. Shockley's* religious practice *specifically*—according to MODOC's state-wide policy, family members are allowed to serve as spiritual advisors to inmates, but it is just Mr. Shockley's family members who are prohibited.
50. Accordingly, because MODOC's denial of Summer Shockley and Morgan Shockley as Mr. Shockley's spiritual advisors is not neutral and of general applicability, the MODOC must demonstrate their denial is supported by a compelling governmental interest and is narrowly tailored to advance that interest. *Church of Lukumi Babalu Aye, Inc.*, 508 U.S. at 531.

51. The MODOC's reason for denying Mr. Shockley's spiritual advisors is not compelling, especially considering that both daughters are well-familiar with MODOC rules and policies. Both have regularly visited Mr. Shockley for over two decades, since they were children. All of their visits have been conducted without incident and neither has any history of disruption in MODOC prisons. Nevertheless, the MODOC denied the requests for Summer and Morgan Shockley be designated as spiritual advisors and denied the requests to have contact visits with Mr. Shockley as a spiritual advisor that would include praying with him, conducting communion, and the use of anointing oils during the in-person visits. MODOC cited "institutional safety and security" but did not provide any detailed explanation as to why these individuals would otherwise be denied the same access as other, qualified spiritual advisors.
52. Neither Summer Shockley nor Morgan Shockley have given any indication they will disturb the execution if allowed to be present in the spiritual advisor capacity. As such, the MODOC's concerns about institutional security, decorum, and solemnity of the execution are merely speculation. *See Fulton v. Philadelphia*, 593 U.S. 137, 151 (2021) ("Such speculation is insufficient to satisfy respondents' burden." (internal citations omitted)). Speculation without any support "fails to engage in the sort of case-by-case analysis that RLUIPA requires." *Ramirez v. Collier*, 595 U.S. 411, 430 (2022); *see Holt*, 574 U.S. at 363.
53. Nor is the MODOC's denial of Mr. Shockley's spiritual advisors narrowly tailored to advance the department's interest in institutional safety and security. Despite having a variety of spiritual advisors with different histories and of different backgrounds accompany the condemned into the chamber over the last three years, the MODOC insists now that Morgan Shockley be disallowed from doing the same and Summer Shockley be prevented from being nearby as a spiritual advisor. *See Dunn*, 141 S. Ct. at 725-26 (Kagan, J., concurring) (Alabama and a number of other jurisdictions had spiritual advisors present in the chamber multiple



times without any disturbance of the executions). MODOC expressly allows family members to serve as spiritual advisors.

54. Such a conclusive ban is not the most narrowly tailored “solution.” MODOC has other solutions available to ensure Summer Shockley and Morgan Shockley “act responsibly” during the execution. *See id.* at 726. For example, background checks, interviews with both, and a penalty-backed pledge that they will obey the prison’s rules are all possible solutions. *Id.* These solutions are especially workable, given both women’s history and familiarity with visiting at prisons and the fact that ERDCC mandates all spiritual advisors undergo an orientation and training prior to entering the execution chamber.

55. The MODOC’s denying Mr. Shockley his spiritual advisors are unsupported by a compelling governmental interest and it is not narrowly tailored to advance the department’s interest in Institutional safety and security. Thus, the MODOC’s prohibition on Ms. Summer Shockley and Ms. Morgan Shockley’s presence during Mr. Shockley’s execution deprives Mr. Shockley of the free exercise of his religious rights, violating the Free Exercise Clause of the First Amendment.

### **Second Claim for Relief: RLUIPA**

56. Congress enacted the RLUIPA “to provide very broad protection for religious liberty.” *Holt v. Hobbs*, 574 U.S. 35, 356–57 (2015). Indeed, the RLUIPA grants “expansive protection for religious liberty” and affords inmates with “greater protection” than the relevant First Amendment precedents. *Id.* at 358, 361.

57. Under RLUIPA, government and state entities may not “impose a substantial burden on the religious exercise of a person residing in or confined to an institution even if the burden results from a rule of general applicability” unless the entity shows that the imposition of the burden

both is in furtherance of a compelling governmental interest and is the least restrictive means of furthering said interest. 42 U.S.C. § 2000cc-1(a) (2000).

58. “Religious exercise” under the RLUIPA is defined broadly as “any exercise of religion whether or not compelled by, or central to, a system of religious belief.” 42 U.S.C. § 2000cc-5(7)(A); *see Dunn*, 141 S. Ct. at 725 (Kagan, J., concurring) (requiring Alabama to allow a spiritual advisor to pray with and lay hands on inmate Willie Smith during his execution because “Smith understood his minister’s presence in the execution chamber as integral to his faith and part of his spiritual search for redemption.”).
59. A plaintiff raising a claim under RLUIPA bears the initial burden of making a *prima facie* case that a prison practice substantially burdens his sincere religious exercise. *See West v. Radtke*, 48 F.4th 836 (7th Cir. 2022). A substantial burden on religious exercise occurs when a prison attaches some meaningful negative consequence to an inmate’s religious exercise, forcing him to choose between violating his religion and incurring that negative consequence. *Id.* at 845 (relying on *Holt*, 574 U.S. at 358-59, and *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014)).
60. The MODOC’s prohibition on Summer Shockley and Morgan Schockley as spiritual advisors at the time of Mr. Shockley’s execution substantially burdens Mr. Shockley’s exercise of his sincerely held religious beliefs, which include having his spiritual advisors praying with him and watching over him as he passes to the afterlife.
61. Under the RLUIPA, a prison may not impose a substantial burden on a prisoner’s religious exercise unless doing so satisfies strict scrutiny—that is, the challenged policy must be the “least restrictive means of furthering a compelling governmental interest.” *Dunn*, 141 S. Ct. at 725. Strict scrutiny is an exceptionally demanding standard under which if any less restrictive means is available for the state to achieve its goals, then they must use it. *Id.*

62. As discussed above, the MODOC's outright prohibition on Mr. Shockley's request to have both Ms. Shockleys serve as his spiritual advisors is unsupported by a compelling governmental interest and is not the least restrictive means to achieve the MODOC's goals. *See* First Claim for Relief: Free Exercise of Religion, *supra*; *see also Dunn*, 141 S. Ct. at 726 (a state can take a number of measures to ensure security including doing a background check on the minister, interviewing him, and seeking a pledge that he will obey all rules). The RLUIPA places a heightened duty on prison officials to demonstrate, not to just assume, that a plausible, less restrictive alternative would be effective, something the IDOC apparently fails to recognize. *See id.*

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that the Court provide relief as follows: 1) A declaratory judgment that Missouri Department of Corrections' denial of Summer Shockley and Morgan Shockley as spiritual advisors violates Mr. Shockley's rights under the First Amendment's Free Exercise Clause; 2) A declaratory judgment that the Missouri Department of Corrections' actions violate RLUIPA; and 3) A preliminary and permanent injunction prohibiting Defendants from executing Mr. Shockley until they can do so in a way that does not violate his religious rights.

Respectfully submitted,

/s/ Jeremy S. Weis

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

|                                 |   |                     |
|---------------------------------|---|---------------------|
| LANCE SHOCKLEY,                 | ) |                     |
| <i>Petitioner,</i>              | ) |                     |
|                                 | ) |                     |
| v.                              | ) | Case No. 25-1513    |
|                                 | ) |                     |
| RICHARD ADAMS                   | ) |                     |
| Warden,                         | ) |                     |
| Eastern Reception and           | ) |                     |
| Diagnostic Correctional Center; | ) | DEATH PENALTY CASE  |
| HEATHER COFER                   | ) | EXECUTION SCHEDULED |
| Warden,                         | ) | OCTOBER 14, 2025,   |
| Potosi Correctional Center;     | ) | 6:00 PM CST         |
| MYLES STRID                     | ) |                     |
| Director,                       | ) |                     |
| Division of Adult Institutions; | ) |                     |
| TREVOR FOLEY,                   | ) |                     |
| Director, Missouri              | ) |                     |
| Department of Corrections,      | ) |                     |
| <i>Respondents.</i>             | ) |                     |

MOTION FOR PRELIMINARY INJUNCTION –  
STAY OF EXECUTION

Under Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act, 28 U.S.C. § 1651, Petitioner Lance Shockley respectfully requests a preliminary injunction barring his execution, currently scheduled for October 14, 2025, at 6:00 PM, until this Court has the opportunity to decide the merits of his religious liberties claim.

INTRODUCTION

This civil rights action for violation of state and federal civil rights under 42 U.S.C. § 1983 arises out of the Missouri Department of Corrections (“MODOC”) denying Mr. Shockley his spiritual advisors, Summer Shockley-Anagnostopolous and Morgan Shockley, who are his family members, during his execution in contravention of MODOC’s express policy allowing immediate family

members to serve as spiritual advisors to inmates. This denial violates the Free Exercise Clause of the First Amendment and substantially burdens the practice of religion in violation of the Religious Land Use and Institutional Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc et seq.

The Free Exercise Clause of the First Amendment prohibits Congress from making a law prohibiting the free exercise of religion. U.S. Const. amend 1; *see, e.g., Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940) (holding that the Free Exercise Clause of the First Amendment is incorporated against the States by the Fourteenth Amendment); *Tarsney v. O’Keefe*, 225 F.3d 929, 935 (8th Cir. 2000). RLUIPA grants “expansive protection for religious liberty,” affording an inmate with “greater protection” than the relevant First Amendment precedents. *Holt v. Hobbs*, 574 U.S. 352, 358, 361 (2015).

Mr. Shockley faces execution on October 14, 2025, at 6:00 PM. Pursuant to MODOC’s spiritual advisor policy, effective October 1, 2016, which allows for immediate family members serving as spiritual advisors: “In the event the clergy or spiritual advisor is an immediate family of the offender, visiting privileges may be provided either as a clergy or spiritual advisor or in accordance with the institutional services procedure regarding offender visitation, but not both.” Ex. A at 2. “Immediate family” is defined as “the offender’s . . . children/stepchildren . . .” Ex. A at 1. MODOC policies provide a spiritual advisor must apply by submitting a spiritual advisor approval form. Ex. A at 2. The approval form must be accompanied by at least two of the following documents: ordination certificate; listing as clergy or spiritual advisor in a religious organization publication or website; letter of endorsement (on official letterhead) from the respective religious organization; federal income tax filing status as “clergy or minister”; or designation on approved visiting application as clergy or spiritual advisor. Ex. A at 2-3. Both Summer and Morgan Shockley submitted the requisite documents. Ex. B; Ex. C; Ex. G; Ex. H.

In this civil rights violation complaint filed pursuant to 42 U.S.C. § 1983, Mr. Shockley asserts the MODOC's refusal to allow Morgan Shockley to be present in the chamber to touch and pray over him as he passes into the afterlife, and Summer Shockley to have contact visits as a spiritual advisor to pray with Mr. Shockley, offer communion, and to use anointing oil as his spiritual advisors violates his rights under the Free Exercise Clauses of the First Amendment and substantially burdens the practice of his religion under RLUIPA. Petitioner now seeks a preliminary mandatory injunction ordering that his execution be STAYED.

### STANDARD FOR INJUNCTIVE RELIEF

To prevail on a motion for preliminary injunction, the moving party must demonstrate (1) a probability of success on the merits; (2) the threat of irreparable harm should the preliminary injunction be denied; and (3) the balance between this harm and the harm granting the injunction will cause to the other parties litigant; and (4) the public interest. *Dataphase Systems, Inc. v. C L Systems, Inc.*, 640 F.2d 108, 113 (8th Cir. 1991) (en banc).

All factors weigh in favor of granting Mr. Shockley injunctive relief.

**I. This Court should grant injunctive relief because all four factors weigh in Mr. Shockley's favor, and in favor of protecting his religious rights and values.**

**A. Mr. Shockley is likely to succeed on the merits.**

Petitioners seeking an injunction must show that there is "fair ground for litigation." *See Watkins Inc. v. Lewis*, 346 F.3d 841, 844 (8th Cir. 2003). Likelihood of success does not necessarily mean a greater than fifty percent chance of success if the other factors weigh in the petitioner's favor. *See id.* Although probability of success on the merits is a threshold issue, it is not the singular most important consideration for injunctive relief. *See Planned Parenthood Minn., N.D., S.D. v. Rounds*, 530 F.3d 724, 732 n.5 (8th Cir. 2008).

Mr. Shockley meets the threshold showing of a "significant possibility of success" because his request to have his spiritual advisors, who also happen to be his daughters, present by his side while

the State executes him and to be present in person to administer communion constitutes the free exercise of his religion and is thus protected by the Free Exercise Clause and the RLUIPA. It is also supported by the MODOC's policy, which contemplates immediate family members serving as spiritual advisors for inmates in MODOC's custody. The MODOC's denial of Mr. Shockley's spiritual advisors<sup>1</sup> by his side during his execution, which is a right the Supreme Court has unambiguously upheld, *see, e.g., Ramirez v. Collier*, 595 U.S. 411 (2022), compels Mr. Shockley to give up the free exercise of his constitutionally-guaranteed religious practice. *See, e.g., Mahmoud v. Taylor*, 145 S. Ct. 2332, 2386 (2025) (“[The Free Exercise] Clause prohibits the government from compelling individuals, whether directly or indirectly, to give up or violate their religious beliefs.”); *Lyng v. Northwest Indian Cemetery Protective Assn.*, 485 U.S. 439, 450 (1988) (the Free Exercise Clause prohibits laws that have a “tendency to coerce individuals into acting contrary to their religious beliefs.”).

Notably, the MODOC has offered no compelling governmental interest for its denial nor has it demonstrated that this is the most narrowly tailored, least restrictive means of achieving its interest in institutional safety and security, as required under the Free Exercise Clause and the RLUIPA for a governmental action that infringes or places a substantial burden on a petitioner's ability to freely exercise his religion. *See Church of Lukumi Bablu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993); 42 U.S.C. § 2000cc-1(a). Mere speculation that the Ms. Shockley's daughter will in some way disturb the execution is not a compelling reason and is insufficient to justify denying Mr. Shockley access to them as spiritual advisors. *See Fulton v. Philadelphia*, 593 U.S. 137, 151 (2021). Indeed, that speculation is unfounded and “fails to engage in the sort of case-by-case analysis that RLUIPA requires.” *Ramirez v. Collier*, 595 U.S. 411, 430 (2022); *see Holt*, 574 U.S. at 363. In fact, MODOC counsel Gregory Goodwin explained that family members implicate a “*per se* risk” to solemnity, safety, and security in the 24-48

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<sup>1</sup> MODOC Policy D5-3.3 outlines the policy for approving spiritual advisors in the MDOC Adult Institutions. Ex. A.



hours before an execution. Ex. M at 1. Mr. Goodwin went on to explain “[i]n the Department’s experience, only a short amount of physical conduct for a brief time can result in health complications due to highly-concentrated opioids” and suggested that the Department has no ability to prevent family members from tampering with IV lines within the chamber. Ex. M at 1. Neither Morgan nor Summer Shockley have any history of drug use or trafficking. Further, Morgan Shockley and Summer Shockley have visited Potosi Correctional Center for virtually their entire lives and are well-familiar with MODOC rules and policies. They have visited the facility without incident and there is no reason to believe that it will change if they serve as spiritual advisors. MODOC have not considered the Shockleys on a case-by-case basis while also determining any family member is a *per se* risk and offering only speculative, unfounded risks.

In any event, barring Morgan Shockley from the chamber as Mr. Shockley’s spiritual advisor, is not the least restrictive way of furthering the MODOC’s interest in institutional safety and security. Particularly in light of Summer and Morgan Shockley’s uneventful history of visiting MODOC facilities, and that all spiritual advisors undergo orientation before they are allowed to be in the execution chamber, there are other more narrowly tailored and less restrictive means MODOC could undertake. For example, for Morgan Shockley to serve as the spiritual advisor during the execution and for Ms. Summer Shockley to administer communion to her father, MODOC could require more extensive background checks, conduct interviews, and/or require them to sign a penalty-backed pledge that they would obey the prison’s rules. *See Dunn v. Smith*, 141 S. Ct. 725, 726 (2021) (Kagan, J., concurring in the denial of the application to vacate injunction).<sup>2</sup> Further, any risk of Morgan or

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<sup>2</sup> MODOC cited *Bucklew v. Precythe*, 587 U.S. 119, 151 n. 5 (2019) for the proposition that family would “obviously” not be allowed in an execution chamber, but that reading is without context. That proposition is referring only to compliance with Alabama code § 15-18-83 (2018) but is not a comment on execution protocol for other states.

Summer Shockley identifying members of the execution team can be mitigated by the team wearing surgical masks or other face coverings to obscure their faces.

The MODOC's refusal to allow Mr. Shockley the presence of Morgan Shockley as his spiritual advisor during his execution and Summer Shockley to administer communion to him before his execution infringes upon the free exercise of his religion and his religious liberty under the RLUIPA. Because there is a strong likelihood Mr. Shockley will establish that the MODOC's actions violate his rights under the Free Exercise Clause and the RLUIPA, this Court should grant injunctive relief and ensure Mr. Shockley is executed only in a constitutional manner that is in accordance with his religious beliefs and values.

**B. Mr. Shockley will be irreparably harmed if a stay is not granted.**

"The basis of injunctive relief in the federal courts has always been irreparable harm and inadequacies of legal remedies." *Beacon Theatres, Inc. v. Westover*, 359 U.S. 500, 506-07 (1959). Here, where Mr. Shockley's freedom to engage in well-established religious practice as he dies is at issue, the MODOC's denial of his spiritual advisors clearly presents irreparable harm. *See generally Wainwright v. Booker*, 473 U.S. 935, 935 n.1 (1985) (irreparable injury "is necessarily present in capital cases.").

It is well-established in most federal courts, and certainly in this Court and the Eighth Circuit Court of Appeals, that irreparable harm occurs any time a petitioner's First Amendment rights are violated. *See, e.g., Beussink v. Woodland R-IV Sch. Dist.*, 30 F. Supp. 2d 1175, 1180-81 (8th Cir. 1998) ("Irreparable harm is established *any* time a movant's First Amendment rights are violated." (citing *Marcus v. Iowa Pub. Tele.*, 97 F.3d 1137, 1140-41 (8th Cir. 1996) (emphasis in original)); *Kirkeby v. Furness*, 52 F.3d 772, 775 (8th Cir. 1995) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976))). As detailed above, MODOC's refusal to allow Morgan Shockley and Summer Shockley to

serve as Mr. Shockley’s spiritual advisor during his execution violates his religious liberty under the Free Exercise Clause of the First Amendment, automatically establishing irreparable harm.

If injunctive relief is not granted to ensure Summer Shockley can administer communion and Morgan Shockley can be present in the execution chamber – an accommodation the Supreme Court, the Constitution, and MODOC’s own policy recognize as permitted – Mr. Shockley will be unable to engage in protected religious exercise in the final moments of his worldly life; compensation paid to his estate would absolutely not remedy this harm, which is spiritual rather than pecuniary. *See Ramirez*, 595 U.S. at 433. Indeed, because a stay of execution is an equitable remedy, Mr. Shockley has no adequate remedy at law. *See, e.g., Nooner v. Norris*, 491 F.3d 804, 807 (8th Cir. 2007); *see also Timberlake v. Buss*, No. 1:06-cv-1859-RLY-WTLI, 2007 WL 2316451 (S.D. Ind. June 12, 2007).

As a devout follower of Christ, Mr. Shockley’s passage from this world into the next is a critical moment in his journey to the heavenly kingdom and eternal life. There is also no question that this request is based on a sincerely held religious belief. *See Ramirez*, 595 U.S. at 425; *see also* Laura Kosta, *A Shoe Repairman with a ‘Servant’s Heart,’* St. Louis Review (Sept. 25, 2025) <https://www.stlouisreview.com/story/a-shoe-repairman-with-a-servants-heart> (last visited Oct. 9, 2025); Krisanne Vaillancourt Murphy, *No Life is Beyond Redemption: Renewed Efforts to End Death Penalty in Respect Life Month*, Vatican News (Oct. 9, 2025), <https://www.vaticannews.va/en/church/news/2025-10/respect-life-month-catholic-mobilizing-network-death-penalty.html> (last visited Oct. 9, 2025) (quoting Archbishop Mark Rivotuso as saying that Mr. Shockley is “very devout to his faith.”); Laura Kosta, *Archdiocese Launches New Program to End the Death Penalty*, St. Louis Review (Oct. 9, 2025), <https://www.stlouisreview.com/story/archdiocese-launches-new-program-to-end-the-death-penalty/> (“[Lance’s] ability to articulate and express himself in his depth of faith . . . there is such a conviction there.”). It is necessary for his spiritual advisors to be with him to counsel and guide him as he goes. The First Amendment and the RLUIPA recognize

the importance of such religious practices and enforce Mr. Shockley's right and freedom to engage in them.

Denying Mr. Shockley religious guidance and spiritual aid in his final moments is undoubtedly an irreparable harm.

**C. The irreparable harm of unconstitutionally executing Mr. Shockley and depriving him religious guidance as he passes outweighs the State's interest in carrying out an execution.**

Although the State has an interest in carrying out executions, it cannot do so in contravention of Mr. Shockley's religious freedoms, especially considering the MODOC's lack of a compelling reason for its refusal and that the refusal is not the least restrictive means of ensuring institutional safety and security. This is particularly the case when the MODOC's refusal is also in contravention of its own policy, which explicitly allows immediate family members to serve as spiritual advisors. Moreover, adherence to the Constitution is one of the State's most fundamental duties.

**D. The public's interest lies in judicial enforcement of religious freedom.**

The public's interest would be served by granting Mr. Shockley's religious requests. The public has an interest in ensuring state actors respect the religious rights of all persons and protect all rights granted to the public under the U.S. Constitution. A public denial of a person's constitutional right to the free exercise of religion is a threat to everyone's protections under the Constitution.

Furthermore, executions are carried out in the name of the people of Missouri. It is in the public's interest that executions done on their behalf be lawful. Religious liberties are of critical importance to the people of Missouri, *see, e.g.*, Mo. Const., art I, § 5; Missouri Religious Freedom Restoration Act, Mo. Rev. Stat. § 1.302, and the people of the state have a strong interest in ensuring religious freedom is held in the utmost regard. The State must not be allowed to tread on the religious freedoms of *any* Missourian.

As the petition describes in detail, the religious freedom questions under the RLUIPA and the First Amendment are issues of great public importance. Both Congress and this Supreme Court have recognized the importance of protecting that liberty even for, and maybe especially for, the condemned.

**2. Alternatively, this Court has the power to enter a preliminary injunction imposing a stay of execution under the All Writs Act.**

If the current suit cannot be completely resolved, there is an alternative basis for a stay of execution. It is essential that “[a] death sentence cannot begin to be carried out by the State while substantial legal issues remain outstanding.” *Barefoot v. Estelle*, 463 U.S. 880 (1983). Once substantial legal issues are raised, a petitioner is “entitled to a stay of execution to permit due consideration of the merits” if the claim cannot be resolved prior to the scheduled date of the execution. *Id.*

The All Writs Act authorizes “[t]he Supreme Court and all courts established by Acts of Congress [to] issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). The Supreme Court has interpreted the All Writs Act to allow federal courts to “avail itself of auxiliary writs as aids in the performance of its duties, when the use of such historic aids is calculated in its sound judgment to achieve the ends of justice entrusted to it.” *United States v. New York Telephone Co.*, 434 U.S. 159, 172-73 (1977). Indeed, unless specifically constrained by an act of Congress, the Act authorizes a court to issue writs any time “the use of such historic aids is calculated in its sound judgment to achieve the ends of justice entrusted to it.” *Adams v. United States*, 317 U.S. 269, 273 (1942). A preliminary injunction under the All Writs Act is appropriate in this case to preserve the integrity of these proceedings and this Court’s jurisdiction to decide the case so the Court can enforce its judgment. If this Court cannot determine whether the MODOC’s institutional safety and security concerns warrant such a drastic ban on Mr. Shockley’s religious rights by October 14, 2025, or the MODOC cannot adjust its execution protocol to account for Mr. Shockley’s right to freely exercise his faith by having Morgan Shockley in the

execution chamber and allow Summer Shockley to administer communion, this Court can and should utilize the All Writs Act to enjoin his execution until such matters can be resolved.

The need for this Court to issue an injunction to preserve its jurisdiction distinguishes an injunction under the All Writs Act from other injunctions in that this Court can grant the injunction without evaluating the four factors applicable to traditional injunctions. *See, e.g., Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1100 (11th Cir. 2004) (“The requirements for a preliminary injunction do not apply to injunctions under the All Writs Act because a court’s traditional power to protect its jurisdiction, codified by the Act, is grounded in entirely separate concerns.”); *see also United States v. New York Tel. Co.*, 434 U.S. 159, 174 (1977) (affirming grant of injunction under the All Writs Act without regard to the traditional multi-factor test to determine whether to grant an injunction); *De Beers Consol Mines, Ltd. V. United States*, 325 U.S. 212, 219 (1945) (stating, in reviewing a lower court’s ruling concerning an injunction under the All Writs Act, that it is necessary to ascertain “what is the usage, and what are the principles of equity applicable in [this] case,” without mentioning the traditional injunction requirements).

Thus, alternatively under the All Writs Act, this Court must issue a preliminary injunction to avoid Mr. Shockley’s execution prior to the orderly resolution of this case regarding Mr. Shockley’s rights under the First Amendment and the RLUIPA.

### **Conclusion**

FOR THE FOREGOING REASONS, and those set forth in the Complaint under 42 U.S.C. § 1983, Mr. Shockley respectfully requests that this Court grant injunctive relief and prevent his execution.

Respectfully submitted,

/s/ Jeremy S. Weis

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*Attorney for Petitioner*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 9, 2025, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system and sent it via email to Gregory Goodwin, Office of Missouri Attorney General, at [gregory.goodwin@ago.mo.gov](mailto:gregory.goodwin@ago.mo.gov).

/s/ Jeremy S. Weis  
Jeremy S. Weis  
Attorney for Lance Shockley

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

|                        |   |                                |
|------------------------|---|--------------------------------|
| LANCE C. SHOCKLEY,     | ) |                                |
|                        | ) |                                |
| Petitioner,            | ) |                                |
|                        | ) |                                |
| v.                     | ) | Case No. 4:25-CV-01513-SRC     |
|                        | ) |                                |
|                        | ) | <b>Capital Case</b>            |
| RICHARD ADAMS, et al., | ) | <b>Execution Set for</b>       |
|                        | ) | <b>6 p.m. October 14, 2025</b> |
| Respondents.           | ) |                                |

**Suggestions in Opposition to Motion for Preliminary Injunction and  
Suggestions in Opposition to Stay**

This Court should deny Petitioner Lance C. Shockley's motion for a preliminary injunction and stay of execution.

**Standard Governing Stay Requests**

A stay of execution is an equitable remedy that is not available as a matter of right. *Hill v. McDonough*, 547 U.S. 573, 584 (2006). A request for a stay of execution must meet the standard requirements for all other stay applications. *Id.* That standard requires this Court to assess: (1) the movant's probability of success on the merits; (2) the threat of irreparable harm absent a stay; (3) the balance between harm to the movant absent the stay and the injury inflicted on other interested parties if the stay is granted; and (4) the public interest. *See id.* Further, the United States Supreme Court has stated



that inequitable delay on behalf of a stay movant provides a basis to deny the request for stay. *Bucklew v. Precythe*, 587 U.S. 119, 150 (2019).

Specifically, in considering stay requests, the Court applies “a strong equitable presumption against the grant of a stay where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay.” *Hill*, 547 U.S. at 584 (quoting *Nelson v. Campbell*, 541 U.S. 637, 650 (2004)). “[L]ate-breaking changes in position, last-minute claims arising from long-known facts, and other ‘attempt[s] at manipulation’ can provide a sound basis for denying equitable relief in capital cases.” *Ramirez v. Collier*, 595 U.S. 411, 434 (2022) (second brackets in original) (quoting *Gomez v. United States Dist. Ct. for N. Dist. Ct. of Cal.*, 503 U.S. 653, 654 (1992)). The “last-minute nature of an application” may be reason enough to deny a stay. *Id.*

### Analysis

Shockley requests a preliminary injunction and requests a stay of his execution because he wishes his immediate family members to be allowed to have contact visits with him and to be present in the execution chamber because he has attempted to designate them as his spiritual advisors. Doc. 2. This Court should deny the motion for stay because Shockley’s request fails on all four stay factors and because Shockley’s extreme delay in bringing this suit is itself a sufficient reason to deny relief. Shockley also requests that this Court

grant what amounts to an administrative stay under the All Writs Act, but Shockley's claims are meritless, and his delay strongly counsels against a stay in that context as well.

**I. This Court should deny Shockley's request for a stay.**

Shockley's allegations fail to satisfy any of the factors for a stay, let alone every factor necessary for a stay. Thus, this Court should deny Shockley's request for a preliminary injunction and a stay.

**A. Shockley has no probability of success on the merits of the claims raised in this action.**

The United States Supreme Court has indicated that family members of a condemned murderer would "obviously" not be allowed in the execution chamber. *Bucklew*, 587 U.S. at 150 n.5. The Missouri Department of Corrections ("the Department") pointed this out to Shockley, and his response in this Court is to claim that the Supreme Court's guidance applies only to the Alabama statute. Doc. 2 at 5 n.2. But Missouri's law is similar to Alabama's statute. *Compare* Mo. Rev. Stat. § 546.740 (2016) *with* Ala. Code § 15-18-83 (2018). Moreover, the Supreme Court could not have been more clear: state law "obviously" would not have allowed relatives or friends of the condemned person into the execution chamber. *Bucklew*, 587 U.S. at 150 n.5. Shockley fails to explain why Missouri law would be any different, or, more importantly, why the United States Supreme Court would rule that a condemned murderer

would be allowed to have a close family member in the execution chamber. They would not.

The decision not to permit family members to have contact visits or to be present in the execution chamber during the execution is based on institutional safety and security concerns and to protect the solemnity and dignity of the execution—not religious discrimination. As the Director of Adult Institutions has explained, the Department declined to designate Shockley’s family members as spiritual advisors due to safety and security concerns, including

10. Physical contact with family members imminently preceding an execution poses a significant institutional safety and security risk, even beyond the risk posed by contact with non-family members. Physical contact can significantly interfere with the institution’s duties in preventing interference with the execution; managing inmate behavior, including physical, psychological, and emotional behaviors; preventing the transfer of contraband; and protecting staff members and visitors. There are any number of ways a family member could interfere with an impending execution, including through the introduction of various drugs which can act through skin-to-skin contact but are otherwise very difficult to screen for. One could use physical contact to impact or otherwise alter the offender’s vital signs and/ or could attempt to delay the execution. Even inadvertent action in the close quarters of the execution chamber can cause significant and dangerous results. A stumble or fall while inside the chamber could dislodge or disrupt I.V. lines, restraints, or even pillows used for the offender’s comfort. These inadvertent actions become all the more likely when the individual inside the execution chamber has an even closer relationship with the offender, such as a father-daughter relationship. The significant emotions involved in an execution warrant even additional precautions, especially if an offender’s family member was given direct and ample opportunity to interfere with the carrying out of the execution, the solemnity and decorum of the execution chamber, prison officials’ responses

during any potential emergency, etc. Here, the applicants are Lance Shockley's own daughters. This intimate connection, along with the intense emotions surrounding an execution, have an even greater potential to exacerbate the psychological distress for all involved, which, in turn, could lead to even more volatile reactions.

Resp. Ex. C. at 3. And as Warden Heather Cofer explained, Morgan Shockley was notified of this determination. Resp. Ex. D at 2.

Shockley has suggested that this case is controlled by *Ramirez v. Collier*, 595 U.S. 511 (2022). But this case is unlike *Ramirez*, in which a pastor sought to be allowed to lay hands on the condemned, and it is also unlike *Murphy v. Collier*, 587 U.S. 901 (2019), where a spiritual advisor was not allowed into the execution chamber based on his denomination. As explained in more detail in the motion to dismiss, Shockley's case is really a case about institutional safety and security.

Accordingly, Shockley has failed to demonstrate a strong likelihood of success on the merits.

**B. There is no threat of irreparable harm absent a stay.**

Here, the alleged point of a stay would be to allow Shockley to litigate meritorious challenges raised in his § 1983 suit. And the potential harm from denying a stay would be that Shockley will not be able to litigate those meritorious claims. But, as discussed above, Shockley has no meritorious claims.

By any reasonable definition, no irreparable harm will flow from not allowing Shockley to continue delaying the execution of his sentence by presenting meritless claims. Shockley has no right to delay the execution of Missouri's lawful sentence and judgment, and he is not harmed by being prohibited from engaging in meritless litigation.

**C. The balance of harms between Shockley and other interested parties weighs heavily against the issuance of a stay.**

The State of Missouri, the crime victims—for whom the case has gone on for decades without resolution—and our shared criminal justice system are all harmed by the never-ending litigation of meritless claims. *See Bucklew*, 587 U.S. at 149–50 (noting that the State and crime victims have an important interest in the timely enforcement of a sentence and that the people of Missouri and crime victims deserve better than the excessive delays that now routinely occur before the enforcement of a death sentence); *see also Wainwright v. Sykes*, 433 U.S. 72, 90 (1977) (noting the criminal trial is “a decisive and portentous event” that should be the “main event” in a criminal case, “rather than a ‘tryout on the road’” for later litigation).

This harm far outweighs any injury Shockley alleges he may sustain from not being allowed to delay the execution of his sentence through meritless litigation—something he has no right to in the first place. So, he is not harmed. “Only with real finality can the victims of crime move forward knowing the

moral judgment will be carried out.” *Shinn v. Ramirez*, 596 U.S. 366, 376 (2022) (quoting *Calderon v. Thompson*, 523 U.S. 538, 556 (1998)). “To unsettle these expectations is to inflict a profound injury to the powerful and legitimate interest in punishing the guilty, an interest shared by the State and the victims of crime alike.” *Id.* (quoting *Calderon*, 523 U.S. at 556). Shockley cannot demonstrate that the harms, on balance, are in his favor. Instead, the balance of the harms here weighs heavily in favor of denying the stay.

**D. The public interest is in finality and the performance of the State’s lawful and long-delayed criminal judgment.**

“Both the State and the victims of crime have an important interest in the timely enforcement of a sentence.” *Bucklew*, 587 U.S. at 149 (quoting *Hill*, 547 U.S. at 584). “Those interests have been frustrated in this case.” *Id.* Shockley has exhausted nearly every state and federal avenue for review. And each and every time, Shockley’s claims have been found to be meritless. Put simply, Shockley has attempted to secure delay through lawsuit after lawsuit. *See Bucklew*, 587 U.S. at 149. “The people of Missouri, the surviving victims of [Shockley’s] crimes, and others like them deserve better.” *Id.*

Now, at the eleventh hour, Shockley seeks further delay to raise meritless claims. The public interest lies in the lawful judgment of the State being carried out without additional delay. Shockley is guilty of first-degree murder, a court sentenced him to death, and he has been afforded multiple

layers of review. This Court should not delay the execution of the State's lawful judgment any longer.

**II. Shockley's inequitable delay provides a basis for denying the motion for stay.**

In *Bucklew*, the United States Supreme Court discussed vacating a stay granted to allow a challenge made to who could be present in the execution chamber. 587 U.S. 150 n.5. In discussing the vacatur of a stay of execution in another case, *Dunn v. Ray*, 586 U.S. 1138 (2019), the United States Supreme Court criticized the petitioner for not asking for clarification on who could be in the execution chamber until fifteen days before the execution and for not bringing suit until ten days before the execution. *Id.* The Court found the petitioner's "delay implicated the 'strong equitable presumption' that no stay should be granted 'where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay.'" *Bucklew*, 587 U.S. 150 n.5 (quoting *Hill*, 547 U.S. at 584).

Here, Shockley did not raise the issues presented in this action with the Department until twelve days before his scheduled execution and did not file the instant suit until six days before the execution—including a weekend and a federal holiday. Resp. Ex. B at 17; Doc. 1. In *Bucklew*, the United States Supreme Court noted that that the relevant statute naming persons who could attend an execution, named persons who "obviously would not be allowed into

the chamber itself,” including “relatives or friends of the condemned person.” *Bucklew*, 573 U.S. at 150 n.5 (quoting Ala. Code § 15-18-83 (2018)). Shockley was therefore on notice, as any reasonable person would be, that there would be an issue with having close family members of the condemned person in the chamber itself. But he did not seek to clarify the issue or bring suit until the eleventh hour.

In an email on September 11, 2025, counsel for Shockley indicated Shockley had not made any decisions on who he wished to attend the execution. Resp. Ex. B at 4. On September 26, 2025, Shockley’s counsel was informed by phone that members of Shockley’s immediate family could not have contact visits with Shockley, and Shockley’s counsel followed up by email on September 29, 2025. Resp. Ex. B at 10. On October 2, 2025, Shockley first inquired about whether his daughters would be allowed to be spiritual advisors at the prison at which he was to be executed, which is located in Bonne Terre, Missouri, as opposed to the prison at which he had previously resided, which is located in Potosi, Missouri, and whether his younger daughter would be permitted in the execution chamber. Resp. Ex. B at 17. This was only twelve days before the scheduled execution. *Id.* Counsel for Shockley was provided with a detailed explanation of the Department’s reasoning for not providing contact visits between Shockley and his daughters and for not allowing their presence in the execution chamber. Resp. Ex. B at 29–30. On October 7, 2025,



Shockley, through counsel, threatened a lawsuit unless the matter could be worked out by the following morning. Resp. Ex. B at 26.

Shockley's inexcusable delay is inexplicable, and it is a sufficient basis to deny his request for a stay. And it is also part of a larger pattern of delay. As this Court and the Missouri Supreme Court have observed, Shockley has repeatedly engaged in a litigation strategy designed to delay. *See, e.g., Shockley v. Crews*, 696 F. Supp. 3d 589, 620 (E.D. Mo. 2023) (finding that "Shockley has intentionally delayed this Court's proceedings"); Show Cause Order at \*1, *Shockley v. Crews*, 4:19-CV-02520-SRC, Document 76 (E.D. Mo. Sept. 29, 2023); Order at \*2, \*5–\*6, *State v. Shockley*, SC90286 (Mo. Oct. 8, 2025)

As stated above "[b]oth the State and the victims of crime have an important interest in the timely enforcement of a sentence." *Bucklew*, 587 U.S. at 149 (quoting *Hill*, 547 U.S. at 584). Shockley committed his crime two decades ago. He has exhausted every ordinary state and federal avenue for review and his claims have been found to be meritless.

Shockley committed first-degree murder of a Missouri Highway Patrol Officer in 2005. *State v. Shockley*, 410 S.W.3d 179, 183 (Mo. 2013). The evidence supporting the conviction was strong. *Id.* at 183–185; *id.* at 202 (characterizing the evidence as "strong"). The State of Missouri moved to set an execution date on March 31, 2025. Docket Sheet, *State v. Shockley*, SC90286 (Mo. Mar. 31, 2025). On June 18, 2025, the Missouri Supreme Court granted

the motion and scheduled Shockley to be executed on October 14, 2025. Order, *State v. Shockley*, SC90286 (Mo. June 18, 2025). Shockley nevertheless delayed until October 2, 2025, to first inquire about the spiritual advisor issues underlying this petition.

On this record, it appears that delay for the sake of delay is Shockley's ultimate goal. But "[t]he people of Missouri, the surviving victims of [Shockley's] crimes, and others like them deserve better." *Bucklew*, 587 U.S. at 149. The strong equitable presumption against granting a stay for litigation that could have been completed without a stay if timely filed should be enforced here. *See Hill*, 547 U.S. at 584. Shockley's request for a stay should be denied.

### **III. The All Writs Act does not provide an independent and adequate basis for a stay.**

In order to obtain a stay, Shockley invokes this Court's authority under the All Writs Act. Doc. 2 at 9–10. But the All Writs Act does not aid Shockley. As an initial matter, the All Writs Act alone does not create independent subject-matter jurisdiction. *See United States v. Denedo*, 556 U.S. 902, 914 (2009); *Syngenta Crop Protection, Inc. v. Henson*, 537 U.S. 28, 33 (2002); *Ark. Blue Cross & Blue Shield v. Little Rock Cardiology Clinic, P.A.*, 551 F.3d 812, 821 (8th Cir. 2009). Additionally, Shockley has invoked the All Writs Act as essentially a request for an administrative stay. Doc. 2 at 9–10. But, as described above, Shockley has unreasonably delayed in bringing this case at

the eleventh hour. Shockley cannot delay for days in bringing his claim, and then protest that the Court does not have sufficient time to resolve his claim. In other words, delay for the sake of delay is a valid reason to deny a stay. *Hill*, 547 U.S. at 584.

### Conclusion

This Court should deny the motion for a preliminary injunction and a stay of execution.

Respectfully submitted,

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**Certificate of Service**

I certify that I filed this document, and any attachments, using the CM/ECF filing system on October 10, 2025. All counsel of record will receive electronic service by operation of the CM/ECF filing system.

/s/ Kirsten Pryde

Kirsten Pryde  
Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                        |   |                            |
|------------------------|---|----------------------------|
| LANCE SHOCKLEY,        | ) |                            |
|                        | ) | Case No. 4:25-CV-01513-SRC |
| <i>Petitioner,</i>     | ) |                            |
|                        | ) |                            |
| v.                     | ) |                            |
|                        | ) | <b>DEATH PENALTY CASE</b>  |
| RICHARD ADAMS, et al., | ) | <b>EXECUTION SCHEDULED</b> |
|                        | ) | <b>OCTOBER 14, 2025</b>    |
| <i>Respondents.</i>    | ) | <b>6:00 PM CST</b>         |

**REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

Mr. Shockley is entitled to a preliminary injunction because the factors set forth in *Hill v. McDonough*, 547 U.S. 573, 584 (2006), weigh in favor of granting this equitable relief.

Respondents primarily argue that this Court should not grant an injunction because there is not a probability of success on the merits and because there was undue delay. Both of these arguments are incorrect.

**I. There is a probability that he will succeed on the merits of his claim.**

Mr. Shockley is likely to succeed on the merits of his claim because the Respondents' have not articulated a compelling reason that justifies limiting Mr. Shockley's rights under the First Amendment and RLUIPA.

Respondents argue that "Shockley requests a preliminary injunction and requests a stay of his execution because he wishes his immediate family members to be allowed to have contact visits with him and to be present in the execution chamber." (PageID 179.) However, what Mr. Shockley is requesting is to have his *spiritual advisors* to be allowed to have contact visits and be present in the execution chamber. In this case, his spiritual advisors are family members, but this is expressly allowed pursuant to the prison policies. (PageID 30-35.)

Respondents claim that Shockley can have a religious adviser of his choice. But this is not true. Mr. Shockley has chosen two spiritual advisors, Summer and Morgan Shockley, who both meet the definition the institution has set for a spiritual advisor, yet the defendant is not allowing this choice. This is a burden on Mr. Shockley's sincerely held religious beliefs.

Respondents claim that this denial is based on institutional safety and security concerns. However, these concerns are merely conjecture, and do not pass constitutional muster. *Ramirez v. Collier*, 595 U.S. 411, 430 (2022). Respondents have provided no evidence that these disruptions are likely to occur. Like *Ramirez*, here "there is no indication in the record that [Summer and Morgan Shockley] would cause the sorts of disruptions that respondents fear. Respondents' argument thus comes down to conjecture." *Id.*

Furthermore, the Supreme Court has explained that there are less restrictive ways to handle these concerns. This includes "subjecting advisors to immediate removal for failure to comply with any rule. Prison officials could also require spiritual advisors to sign penalty-backed pledges agreeing to abide by all such limitations." *Id.*

## **II. There was not undue delay in filing this action.**

Respondents take issue with potential delay in Shockley's case on this issue, and claim that – somehow – this particular part is about seeking delay in his execution. But Shockley has not delayed his claims. Respondents overlook counsel's September 11 e-mail as one example, PageID 192, where counsel informed Respondents that "Mr. Shockley made two separate spiritual advisor requests in the past few months and both have been denied." Additionally, at the time of those requests, both daughters are ordained in the church and had the requisite support for their applications from Missouri churches as per the DOC guidelines. And counsel also raised the issue in early September, over a month ago, with Respondents as well. (PageID 200.)

Shockley was only provided a witness designation sheet on Friday, September 26. (PageID 212.) That would have been his opportunity to designate his chosen spiritual advisors once he arrived at Bonne Terre, MO, for the execution. Counsel followed back up with Respondents on September 24, 2025, after not receiving a response. (PageID 197.)

This timeline is different than *Bucklew*, where the petitioner was faulted for being on notice that there was a question whether his adviser would be allowed into the chamber or required to remain on the other side of the glass. *Bucklew v. Precythe*, 587 U.S. 119, 150 n.5 (2019) (“ . . . he waited . . . just 15 days before the execution . . . to ask or clarification.”). And *Dunn* did not address the timing of the request when the Supreme Court denied the application to vacate the injunction. *See Dunn v. Smith*, 141 S.Ct. 725 (2021). Shockley has instead sought clarification for *months* while Respondents failed to properly respond. In *Ramirez*, setting up to the litigation also took place over the course of months:

- February 5, 2021, Texas informs Ramirez his execution date would be September 8, 2021. Ramirez then files (unspecified date) a prison grievance asking his long-time pastor to be present in the execution chamber.
- June 11, 2021, after Texas denied his request and amended its execution protocol to enter the chamber, Ramirez files another grievance. Texas denied that request on July 2, 2021. Ramirez appealed seven days later.
- Then, finally, with a month left until his execution date, and no ruling on his grievance, Ramirez ultimately filed suit in Federal District Court. *Ramirez v. Collier*, 595 U.S. 411, 418-419 (2022).

According to Respondent, Shockley’s suit is not about spiritual advisor but instead a “threadbare attempt to delay his execution.” (PageID 251.) The allegations of delay stand in direct contrast to the timeline offered above. Lance’s daughters applied to be spiritual advisors and were informed by prison officials they meet the qualifications to serve in that capacity. The Respondent’s attempt to use delay in this matter is an attempt to distract this court’s attention

away from the fact that MODOC denied Shockley’s request for reasons that are (1) in direct conflict of their own policy and (2) based on pure conjecture in regard to security concerns.

Shockley’s ultimate goal is not delay—it is, quite plainly, the ability to have his chosen spiritual advisors with him before and as he dies. Respondents throughout their Suggestions in Opposition never question the authenticity of Shockley’s faith, as they cannot. *See Ramirez*, 595 U.S. at 425. *See also* Laura Kosta, *A Shoe Repairman with a ‘Servant’s Heart,’* St. Louis Review (Sept. 25, 2025) <https://www.stlouisreview.com/story/a-shoe-repairman-with-a-servants-heart> (last visited Oct. 9, 2025); Krisanne Vaillancourt Murphy, *No Life is Beyond Redemption: Renewed Efforts to End Death Penalty in Respect Life Month*, Vatican News (Oct. 1, 2025), <https://www.vaticannews.va/en/church/news/2025-10/respect-life-month-catholic-mobilizing-network-death-penalty.html> (last visited Oct. 9, 2025) (quoting Archbishop Mark Rivituso as saying that Mr. Shockley is “very devout to his faith.”); Laura Kosta, *Archdiocese Launches New Program to End the Death Penalty*, St. Louis Review (Sept. 11, 2025), <https://www.stlouisreview.com/story/archdiocese-launches-new-program-to-end-the-death-penalty/> (“[Lance’s] ability to articulate and express himself in his depth of faith . . . there is such a conviction there.”).

Thus, contrary to Respondents’ insistence, Shockley raised this issue well in advance of his execution. Respondents dragged their feet, and the filings now are as a result of their lack of action, not Shockley’s.

## CONCLUSION

The balance of equities favors Mr. Shockley. Shockley would suffer irreparable harm without a stay. Of course, an execution is “obviously irreversible.” *Evans v. Bennett*, 440 U.S. 1301, 1306 (1979) (Rhenquist, J., granting stay as circuit justice). It is unconstitutional to



execute Mr. Shockley by denying him the ability to exercise his unquestioned religious rights. Any potential “harm” to Respondents in a delayed execution is again the fault of Respondents themselves, for delaying Mr. Shockley’s claims from being heard until they delayed in denying his claims.

Respectfully submitted,

/s/ Jeremy S. Weis

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2025, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system. Through cooperation of the CM/ECF system, I hereby provide to all of counsel of record notice of this filing and the ability to view and download the foregoing pleading.

/s/ Jeremy S. Weis

Jeremy S. Weis

*Attorney for Petitioner Lance Shockley*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

|                                 |   |                     |
|---------------------------------|---|---------------------|
| LANCE SHOCKLEY,                 | ) |                     |
| <i>Petitioner,</i>              | ) |                     |
|                                 | ) |                     |
| v.                              | ) | Case No. 25-1513    |
|                                 | ) |                     |
| RICHARD ADAMS                   | ) |                     |
| Warden,                         | ) |                     |
| Eastern Reception and           | ) |                     |
| Diagnostic Correctional Center; | ) | DEATH PENALTY CASE  |
| HEATHER COFER                   | ) | EXECUTION SCHEDULED |
| Warden,                         | ) | OCTOBER 14, 2025,   |
| Potosi Correctional Center;     | ) | 6:00 PM CST         |
| MYLES STRID                     | ) |                     |
| Director,                       | ) |                     |
| Division of Adult Institutions; | ) |                     |
|                                 | ) |                     |
| TREVOR FOLEY,                   | ) |                     |
| Director, Missouri              | ) |                     |
| Department of Corrections,      | ) |                     |
| <i>Respondents.</i>             | ) |                     |

**PETITIONER'S RESPONSE TO A MOTION TO DISMISS**

Petitioner Shockley provided respondents a well-pleaded complaint that the Missouri Department of Corrections is violating his First Amendment right to the free exercise of his religion and RLUIPA. In it, he detailed how respondents' actions in opposition to their own policies infringe on his right to choose his spiritual advisors.

**Argument**

If Mr. Shockley's allegations are taken as true and viewed in the light most favorable to him as Rule 12(b)(6) requires, his complaint survives a motion to dismiss. *Morton v. Becker*, 793 F.2d 185, 187 (8<sup>th</sup> Cir. 1986). His claim "is plausible on its face," *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), because the MODOC's spiritual advisor policy allows for immediate family members to be spiritual advisors

so long as the family member meets certain requirements, but MODOC administrators used Morgan and Summer Shockley's status as Mr. Shockley's daughters as a reason to deny their spiritual advisorship.

The State incorrectly attempts to reframe Mr. Shockley's complaint not as a First Amendment or Religious Lance Use and Institutionalized Persons Act of 2000 ("RLUIPA") claim, but as a means to delay his execution. But this mischaracterization is misguided for three reasons: it disregards Mr. Shockley's sincerely held beliefs as a practicing Christian, it ignores MODOC's shifting reasons for denial, and it misapprehends Supreme Court dicta to offend Mr. Shockley's earnest request for religious accommodation.

Mr. Shockley presented respondents and this Court ample support for his long history as a devout Christian. He has participated in institution-sanctioned worship services and organizations, as well as founding his own ministry and conducting peer-to-peer Bible study within Potos. The State characterizing Mr. Shockley's desire to practice his closely held religious beliefs at the moment of his death "a ruse" is inflammatory and wrong. *That* allegation is unsupported and "conclusory" and not in line with the facts being read in a light most favorable to Mr. Shockley. Mr. Shockley must be afforded the right to practice his religion in the manner he sees fit, and the State does not get burden his First Amendment right to free exercise because it doesn't like the way he practices. To be clear, giving Mr. Shockley the option to choose an alternative spiritual advisor, his attorney, or a MODOC employee to administer communion to his is a substantial burden on his religious practice. Spiritual advisors are not fungible, and some of the people on the State's proposed lists do not even meet MODOC standards for a spiritual advisor.

The State of Missouri has failed to adhere to the Supreme Court's mandate in *Ramirez v. Collier*, 595 U.S. 411 (2022). Specifically, the majority held that last-minute litigation related to religious accommodations would be unnecessary "[i]f states adopt clear rules in advance." *Id.* at 436. The State,

though, has yet to address the issue of religious accommodation during the execution protocol. Specifically, the state continues to have a policy, allowing direct family members to serve as spiritual advisors for Missouri inmates. And the state has yet to adopt any specific policies related to spiritual advisors being present in the execution chamber, even though this issue has arisen multiple times in the last few years. The State of Missouri drafted and implemented the policies that issue in this case. The denial from MODOC is inconsistent with their policies and incompatible with Supreme Court precedent.

Certainly, MODOC has some latitude over spiritual advisor decisions, but it has yet to explain its shifting explanations for the denial of Mr. Shockley's daughters as spiritual advisors. At first, MODOC informed the women that they were denied simply because they were his family. Once pressed about the policy allowing for family members as spiritual advisors, MODOC amended its denial to a speculative "safety and security" reason. But this too is unfounded and unsupported by any facts in the record. Morgan and Summer Shockley's presence in contact visits with Mr. Shockley have never been an issue. Neither woman has a history of violating MODOC policy, state law, or drug trafficking, all of which MODOC suggest they will do if allowed to have contact with their father to administer religious rites to him.

Further, the State fails to address its own policy, allowing family members to serve as spiritual advisors in the department of corrections. The state of Missouri has had a policy since 2016 that specifically provides for family members to serve as a spiritual advisor as long as they meet the minimum criteria. Both Summer and Morgan Shockley meet these criteria.

MODOC cites "solemnity" and decorum as reasons Mr. Shockley's daughters cannot be in the chamber with him or have contact to administer rites, but nearly two decades of devout Christianity, and his daughters ordinations prove exactly how seriously they take these proceedings. Morgan Shockley is a missionary by profession. Her full-time job is to administer religious rites and

evangelize, to guide people spiritually. The Shockleys have more than shown how much dignity and weight they afford these circumstances.

Finally, the State misapprehends the import of the footnote in *Bucklew v. Precythe*, 587 U.S. 119, 150 n.5 (2019). Contrary to the State’s implication, the United States Supreme Court has not weighed in on whether family members can be a spiritual advisor in an execution chamber. The circumstances in *Bucklew* were substantially different than they are here. And the Court’s comment that family members “obviously” would not be allowed in the execution chamber does not contemplate the idea that a person can be both a spiritual advisor and a family member. *Bucklew* did not feature a Department of Corrections like MODOC that expressly allows family members to serve as spiritual advisors. The State implies that *Bucklew* has already decided the issue before this Court, but it has not.

The State’s reliance on a single footnote, unrelated to the principal issue in the case, in *Bucklew* is entirely misplaced. The footnote issue addresses the timing for petitioner to bring a claim and when he or she was on notice of the potential constitutional violation. 587 U.S. at 119, n5. The court in *Bucklew* was only addressing whether he delayed in bringing his constitutional claim too late in the process. The offhand comment from the court majority regarding the Alabama statute covering individuals that may be present during an execution is a little more than dicta and not controlling in light of the Supreme Court’s decision in *Ramirez*. *Ramirez* was decided three years after *Bucklew* and directly addressed the constitutional issues at stake in this case.

The state of Missouri has failed to adhere to the Supreme Court’s mandate in *Ramirez*. Specifically, the majority held that last-minute litigation related to religious accommodations would be unnecessary “[i]f states adopt clear rules in advance.” *Id.* at 436. The State, though, has yet to address the issue of religious accommodation during the execution protocol. Specifically, the state continues to have a policy, allowing direct family members to serve as spiritual advisors for Missouri inmates. And the state has yet to adopt any specific policies related to spiritual advisors being present in the

execution chamber, even though this issue has arisen multiple times in the last few years. The State of Missouri drafted and implemented the policies that issue in this case. The denial from MODOC is inconsistent with their policies and incompatible with Supreme Court precedent.

Because Mr. Shockley has properly plead factual allegations that support his claim of religious infringement in violation of RLUIPA and the First Amendment of the US Constitution, this Court should deny the State's motion to dismiss.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2025, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system and sent it via email to Gregory Goodwin, Office of Missouri Attorney General, at [gregory.goodwin@ago.mo.gov](mailto:gregory.goodwin@ago.mo.gov).

/s/ Jeremy S. Weis  
Jeremy S. Weis  
Attorney for Lance Shockley



**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

|                        |   |                                |
|------------------------|---|--------------------------------|
| LANCE C. SHOCKLEY,     | ) |                                |
|                        | ) |                                |
| Petitioner,            | ) |                                |
|                        | ) |                                |
| v.                     | ) | Case No. 4:25-CV-01513-SRC     |
|                        | ) |                                |
|                        | ) | <b>Capital Case</b>            |
| RICHARD ADAMS, et al., | ) | <b>Execution Set for</b>       |
|                        | ) | <b>6 p.m. October 14, 2025</b> |
| Respondents.           | ) |                                |

**Reply in Support of Motion to Dismiss**

Lance Shockley has not pled facts which could entitle him to relief under either the First Amendment to the United States Constitution or the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”). Importantly, Shockley’s response fails to plead that the stated policy of the Missouri Department of Corrections (“the Department”) is not narrowly tailored, as would be required to plead a First Amendment claim, or that the Department’s policy places a substantial burden on Shockley’s exercise of his religion as would be required to plead a RLUIPA claim.

**Analysis**

The Department’s policy with which Shockley takes issue authorizes clergy or spiritual advisor status for individuals who meet at least two critical requirements: (1) be qualified with the proper credentials and (2) do not raise

undue safety and security issues, which is within the Department’s judgment and discretion to determine. See Doc. 2-1 at 2–3.

**I. Shockley’s pleadings fail to meet the plausibility standard.**

The Department does not contest in this action that Shockley has a sincere religious belief encouraging him to engage in the practices Shockley has identified. Respondents also recognize that “prayer accompanied by touch,” among other practices, is a “traditional form[ ] of religious exercise.” *Ramirez v. Collier*, 595 U.S. 411, 425–26 (2022). Instead, the Department alleges that Shockley has not plausibly pled that the designation of his daughters, Morgan Shockley and Summer Shockley, as his spiritual advisors, alone, would allow Shockley to exercise his religious beliefs.

**II. Shockley fails to assert that the Department’s policy is not narrowly tailored, and thus Shockley’s First Amendment claim must fail.**

To prove a claim under the First Amendment, Shockley must allege that the relevant policy is not narrowly tailored to protect a compelling government interest. Shockley has not asserted, nor can he, that the State does not have several compelling interests at stake. “[T]he government has a compelling interest in preventing disruptions of any sort and maintaining solemnity and decorum in the execution chamber.” *Ramirez v. Collier*, 595 U.S. at 430. “[P]rison officials have a compelling interest in monitoring an execution and responding effectively during any potential emergency.” *Id.* at 429. “[P]risons

have compelling interests in both protecting those attending an execution and preventing them from interfering with it[.]” *Id.* at 431. “[P]reventing accidental interference with the prison’s IV lines is a compelling governmental interest.” *Id.* “[M]aintaining solemnity and decorum in the execution chamber is a compelling governmental interest.” *Id.* at 432.

Shockley does not identify any ways in which the Department’s policy could be more narrowly tailored, and he does not address the Department’s offered accommodation, wherein Shockley may designate another spiritual advisor of his choosing so long as that individual is not an “immediate family member,” as that term is defined in the Department’s policy.

For the first time, Shockley asserts that “[s]piritual advisors are not fungible . . . .” Doc. 20 at 2. But he has never before asserted that his daughters are the only Christian spiritual advisors who can minister to him in the ways that he has identified, namely, through communion, anointing, and prayer prior to and at the time of his execution. Thus, as Respondents previously asserted, Shockley appears to be using his religious-freedom claims—which are based on his sincere religious beliefs—as a ruse to compel Respondents to permit his family members to have contact visits and to be present in the execution chamber.

**III. Shockley fails to assert that the Department's policy is a substantial burden on his religious exercise, and thus Shockley's RLUIPA claim must also fail.**

Shockley has not asserted, and cannot assert, that his religious exercise depends on his daughters, and only his daughters, being designated as his spiritual advisors. Moreover, Shockley does not claim that that he has any *religious* reason for specifically having one daughter in the execution chamber during the execution, and allowing both daughters to have contact visits with immediately prior to the execution. Importantly, Shockley does not address the Department's offered accommodation, wherein Shockley may designate a spiritual advisor of his choosing, so long as that individual is not an "immediate family member," as that term is defined in the Department's policy.

Shockley does not claim that he has been denied the ability to have any spiritual advisor he wishes perform these functions. Indeed the Department has accommodated for Shockley's request for a spiritual advisor, so long as the designated advisors are not his close relatives. Shockley's reply supports the conclusion that he is not really pleading a plausible complaint that his right to exercise his religion is being burdened at all, let alone substantially burdened.

## Conclusion

This Court should grant Respondents' motion to dismiss.

Respectfully submitted,

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**Certificate of Service**

I certify that I filed this document, and any attachments, using the CM/ECF filing system on October 10, 2025. All counsel of record will receive electronic service by operation of the CM/ECF filing system.

*/s/ Kirsten Pryde*

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Kirsten Pryde  
Assistant Attorney General

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                       |   |                            |
|-----------------------|---|----------------------------|
| LANCE SHOCKLEY,       | ) |                            |
|                       | ) |                            |
| Petitioner,           | ) |                            |
|                       | ) |                            |
| v.                    | ) | Case No. 4:25-cv-01513-SRC |
|                       | ) |                            |
| RICHARD ADAMS et al., | ) |                            |
|                       | ) |                            |
| Respondents.          | ) |                            |

**Memorandum and Order**

Five days before his scheduled execution for the murder of Missouri Highway Patrol Sergeant Carl “DeWayne” Graham, Jr., Petitioner Lance Shockley comes to this Court neither professing his innocence nor contesting his guilt. After extensive litigation that has spanned decades and all levels of both the Missouri and federal court systems, Shockley no longer challenges his death sentence. Instead, he now seeks an emergency stay of his execution on the novel theory that applicable law mandates that the state allow *his daughters* (as opposed to other ministers) variously to have a contact visit with him and be present with him in the execution chamber while his execution is carried out, so as to have them provide and perform religious sacraments and rituals.

Respondents claim that safety and security considerations, borne of their experience as corrections officials who have overseen several state-mandated executions, counsel strongly against allowing family members into the execution chamber. They note the significant distinction between being an execution observer, who sits outside the execution chamber “on the other side of the glass,” and being one of the few people actually permitted inside the tightly controlled and highly regulated confines of the execution chamber itself. Respondents have

expressly agreed that Shockley's daughters are welcome to be execution observers. And, Respondents have offered various accommodations, including having a non-family minister of Shockley's own choosing provide and perform the exact same religious sacraments and rituals that Shockley desires.

Having presided over Shockley's federal habeas proceedings in this court, having issued a 165-page opinion thoroughly addressing each of Shockley's 28 federal habeas claims, and having reviewed the subsequent opinions issued by the Eighth Circuit, the Supreme Court of the United States, the Supreme Court of Missouri, and other Missouri courts in the two years following this Court's habeas opinion, including the Missouri Supreme Court's October 8, 2025 opinion denying Shockley's most-recent effort to stave off his execution, the Court is well informed of the history and background of these proceedings. And, having reviewed the myriad pleadings and exhibits submitted in the approximately 44 hours since Shockley filed this case seeking emergency injunctive relief, the Court trains its focus on the weighty issues at hand.

To level set, the focus here is whether Shockley satisfies the four factors a court must weigh before granting a stay of execution. *See Nken v. Holder*, 556 U.S. 418, 426 (2009); *Hill v. McDonough*, 547 U.S. 573, 584 (2006). The Court assesses Shockley's probability of success on the merits and finds it lacking. In so doing, it's important to emphasize that the focus here is on Shockley, and not on his daughters and the alleged harm they might suffer—they are not parties to this case, and Shockley appropriately does not purport to seek relief on their behalf.

## **I. Background**

Given the time constraints and the need to allow for appellate review, the Court does not recite all facts here, but it has reviewed all facts and evidence in the record and now provides this background summary.



**A. Procedural history**

On October 9, 2025, Shockley filed a complaint in this Court under 42 U.S.C. § 1983. Doc. 1. In his complaint, Shockley alleges that Respondents, several officials of the Missouri Department of Corrections, violated his rights under the First Amendment and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc et seq., by preventing his daughters (but not others) from serving as his spiritual advisors leading up to his execution. Doc. 1 at 11–18 (The Court cites to page numbers as assigned by CM/ECF.). Shockley then filed a motion for a preliminary injunction to stay his execution, doc. 2, which the parties have fully briefed, docs. 15, 19. Next, Shockley filed a motion for leave to file certain exhibits under seal, doc. 5. The following morning, Respondents filed their own motion for leave to seal, doc. 13, and a motion to dismiss Shockley’s case for failure to state a claim, doc. 16. The parties have fully briefed the motion to dismiss. Docs. 20, 23. Finally, Shockley filed a motion to proceed *in forma pauperis*. Doc. 24.

**B. Evidence regarding the execution chamber**

No evidence in the record suggests that Missouri has allowed family members in the execution chamber during the execution process. The undisputed evidence establishes that the state has allowed non-family spiritual advisors inside the execution room; that evidence further establishes a blemished history. Of the seven most recent executions in Missouri, state officials have required those spiritual advisors to pledge, in writing, to maintain the confidentiality of what occurred in the execution chamber; of the seven, five—over 70%—have violated their written pledges. Doc. 15-4 at 1.

No evidence in the record suggests that disruptions have occurred by having non-family spiritual advisors in the execution chamber. Perhaps this is evidence that spiritual advisors are

not a disruptive group. But in keeping with the notion that “a government need not wait for the flood before building the levee,” *Ramirez v. Collier*, 595 U.S. 411, 444 n.2 (2022) (Kavanaugh, J., concurring), the Court finds that this record of non-disruption by non-family members is equally plausibly evidence that excluding family members is a sound practice, the veritable building of the levee before the flood.

The Court performed research in an effort to determine what history reveals about family members being present in the execution chamber, or in or at historical analogues of the present-day execution chamber. In the limited time available to decide this case, the Court’s brief research did not reveal historical traditions regarding family in the execution chamber. No evidence in the record suggests that Shockley’s daughters would be disruptive if permitted in the execution room. *Cf. Dunn v. Smith*, 141 S. Ct. 725, 726 (2021) (Kagan, J., concurring) (noting the state had identified two examples of “disturbances” by close family members of inmates at executions). However, common sense, *see Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009), suggests that allowing family members in the execution chamber could create a literal flood of emotions and a veritable flood of danger: emotional outbursts; physical struggles and attempts to interfere with the execution process; recognition of the faces, features, and voices of the officials charged with carrying out the execution; and later doxing, threatening, or harassing those officials. The Missouri officials here fear as much. *See* doc. 15-2 at 2–3; doc. 15-4 at 12 (noting that the “institutional safety and security risk presented by a spiritual advisor who is an immediate family member . . . is significantly higher. . . . This need not be based on intentional malfeasance.”).

Regarding both contact visits with Shockley in the moments or hours before execution and presence in the execution chamber, the only evidence in the record reveals considerable risks of interference with the carefully managed execution process and situs. *See* doc. 15-4 at 2 (“The

holding cell where an offender is held before being ultimately moved to the execution chamber on the day of their scheduled execution, as well as the execution chamber itself, are uniquely sensitive areas within a prison and are areas in which the institution's interest in safety and security is at the highest importance. Contact visits in these areas, then, require the highest level of precautions to protect those interests. These concerns are especially pronounced in the Missouri Department of Corrections where the holding cell is in close proximity to the execution chamber. Further, members of the execution team may need access to that area in the time leading up to the scheduled execution."); doc. 15-2 at 3 ("Physical contact with family members imminently preceding an execution poses a significant institutional safety and security risk, even beyond the risk posed by contact with non-family members. Physical contact can significantly interfere with the institution's duties in preventing interference with the execution; managing inmate behavior, including physical, psychological, and emotional behaviors; preventing the transfer of contraband; and protecting staff members and visitors. There are any number of ways a family member could interfere with an impending execution, including through the introduction of various drugs which can act through skin-to-skin contact but are otherwise very difficult to screen for. One could use physical contact to impact or otherwise alter the offender's vital signs and/or could attempt to delay the execution. Even inadvertent action in the close quarters of the execution chamber can cause significant and dangerous results. A stumble or fall while inside the chamber could dislodge or disrupt I.V. lines, restraints, or even pillows used for the offender's comfort. These inadvertent actions become all the more likely when the individual inside the execution chamber has an even closer relationship with the offender, such as a father-daughter relationship. The significant emotions involved in an execution warrant even additional precautions, especially if an offender's family member was given direct and

ample opportunity to interfere with the carrying out of the execution, the solemnity and decorum of the execution chamber, prison officials' responses during any potential emergency, etc. Here, the applicants are Lance Shockley's own daughters. This intimate connection, along with the intense emotions surrounding an execution, have an even greater potential to exacerbate the psychological distress for all involved, which, in turn, could lead to even more volatile reactions.”).

For its part, the Court finds itself wholly unqualified to micromanage, much less manage, the execution chamber and situs. *Ramirez*, 595 U.S. at 445 (Kavanaugh, J., concurring). The Court finds that experienced corrections officials have far greater qualifications and experience in making those decisions. The Court has reviewed the declarations of the corrections officials here, who collectively have over 50 years of experience in corrections: the Director of the Missouri Department of Corrections, who has served the Department for nearly 15 years (doc. 15-4), the Division Director of the Division of Adult Institutions within the Missouri Department of Corrections, who has served the Department for over 16 years (doc. 15-2), and the Warden of the Potosi Correctional Center, who has served the Department for more than 20 years (doc. 15-3). Mindful that the Court must *not* “simply defer to their determination[s],” *Ramirez*, 595 U.S. at 429, the Court does find it appropriate to accord a degree of respect to their judgment, particularly when they and their legal team have meaningfully engaged in dialogue with Shockley to find reasonable accommodations of his requests.

The Court also remains mindful that an injunction mandating family-member presence in the execution room—something wholly against the judgment of these experienced corrections officials—could have disastrous consequences. Indeed, hope is not a strategy. The Court likewise takes quite seriously that “the government has a compelling interest in preventing

disruptions of any sort and maintaining solemnity and decorum in the execution chamber.”

*Ramirez*, 595 U.S. at 429. The Court thus finds it appropriate to tread gingerly in such a delicate matter rather than to wield its considerable equitable powers with the hubristic confidence of a modern-day philosopher king.

## **II. Standard**

### **A. Preliminary injunction**

When examining whether to grant a preliminary injunction, the Court should examine: “(1) the threat of irreparable harm to the movant; (2) the state of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest.” *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981); *see also Nken*, 556 U.S. at 426. Additionally, because Shockley seeks equitable relief to stay his execution, the Court must “apply ‘a strong equitable presumption against the grant of a stay where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay.’” *Hill*, 547 U.S. at 584 (quoting *Nelson v. Campbell*, 541 U.S. 637, 650 (2004)); *see also Nooner v. Norris*, 491 F.3d 804, 808 (8th Cir. 2007). A stay of execution “is an equitable remedy” which is “not available as a matter of right.” *Hill*, 547 U.S. at 584. And equity “must be sensitive to the State’s strong interest in enforcing its criminal judgments without undue interference from the federal courts.” *Id.*

Shockley has not requested a hearing on his motion for preliminary injunction. The Court finds that the parties have had the opportunity to adequately develop the factual record on the motion for preliminary injunction, and the Court determines the motion on the briefs and evidence in the record without hearing. *See Fed. R. Civ. P. 78(b); United Healthcare Ins. Co. v.*

*AdvancePCS*, 316 F.3d 737, 744 (8th Cir. 2002) (“An evidentiary hearing is required prior to issuing a preliminary injunction only when a material factual controversy exists.” (citing *Movie Sys., Inc. v. MAD Minneapolis Audio Distribs.*, 717 F.2d 427, 432 (8th Cir. 1983)); see also *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994) (affirming district court's denial, without a hearing, of plaintiff's motion for preliminary injunction); 11A *Wright & Miller's Federal Practice & Procedure* § 2949 (3d ed. 2025).

**B. The Free Exercise Clause and RLUIPA**

“The Free Exercise Clause of the First Amendment, applicable to the States under the Fourteenth Amendment, provides that ‘Congress shall make no law . . . prohibiting the free exercise’ of religion.” *Fulton v. City of Philadelphia*, 593 U.S. 522, 532 (2021) (ellipses in original) (quoting U.S. Const. amend. I). The Supreme Court held in *Employment Division, Department of Human Resources v. Smith* that “laws incidentally burdening religion are ordinarily not subject to strict scrutiny under the Free Exercise Clause so long as they are neutral and generally applicable.” *Id.* at 533 (citing 494 U.S. 872, 878–82 (1990)). The “[g]overnment fails to act neutrally when it proceeds in a manner intolerant of religious beliefs or restricts practices because of their religious nature.” *Id.* And a “law is not generally applicable if it invites the government to consider the particular reasons for a person’s conduct by providing a mechanism for individualized exemptions.” *Id.* (cleaned up). “A law also lacks general applicability if it prohibits religious conduct while permitting secular conduct that undermines the government’s asserted interests in a similar way.” *Id.* at 534. “A law burdening religious practice that is not neutral or not of general application must undergo the most rigorous of scrutiny”—strict scrutiny—and can only survive if it “advance[s] interests of the highest order”

and is “narrowly tailored in pursuit of those interests.” *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993) (citation modified); *see also Fulton*, 593 U.S. at 541.

RLUIPA aims to ensure “greater protection for religious exercise than is available under the First Amendment.” *Ramirez*, 595 U.S. at 424. The act provides that “no government shall impose a *substantial burden* on the religious exercise of a person residing in or confined to an institution—including state prisoners—even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” *Ramirez*, 595 U.S. at 424–25 (emphasis added) (cleaned up) (citing 42 U.S.C. § 2000cc-1(a)). Although RLUIPA protects “any exercise of religion, . . . a prisoner’s requested accommodation must be sincerely based on a religious belief.” *Id.* at 425 (citation modified). And to emphasize, the “burden on the prisoner’s religious exercise must . . . be substantial.” *Id.* (cleaned up).

“Under the Free Exercise Clause [and] RLUIPA,” a petitioner “must first raise . . . fact[s] regarding whether [a prison] has placed a substantial burden on his ability to practice his religion.” *Patel v. U.S. Bureau of Prisons*, 515 F.3d 807, 813 (8th Cir. 2008). Government action substantially burdens religion when it “significantly inhibit[s] or constrain[s] conduct or expression that manifests some central tenet of a person’s individual religious beliefs; . . . meaningfully curtail[s] a person’s ability to express adherence to his or her faith; or . . . den[ies] a person reasonable opportunities to engage in those activities that are fundamental to a person’s religion.” *Id.* Importantly, “[w]here an inmate has not put forth sufficient evidence under RLUIPA to demonstrate a substantial burden on his religious exercise, his claim fails under the

Free Exercise Clause of the First Amendment as well.” *Van Wyhe v. Reisch*, 581 F.3d 639, 657–58 (8th Cir. 2009).

### **III. Discussion**

The Court considers below Shockley’s motion for preliminary injunction, doc. 2, his motion to file under seal, doc. 5, and his motion to proceed *in forma pauperis*, doc. 24. The Court also addresses Respondents’ motion to file under seal, doc. 13.

#### **A. Motion for preliminary injunction and stay of execution**

As explained above, to obtain an injunction staying his execution, Shockley must first show that he is likely to succeed on the merits of his claims. *Hill*, 547 U.S. at 584; *Nooner*, 491 F.3d at 804. Because the Court finds that Shockley fails to show a likelihood of success on his RLUIPA and First Amendment claims, the Court denies Shockley’s motion for a preliminary injunction and stay of execution. Doc. 2.

##### **1. Likelihood of success on the merits**

As noted above, a plaintiff bringing a RLUIPA claim “bears the initial burden of proving that a prison policy ‘implicates his religious exercise.’” *Ramirez*, 595 U.S. at 425. And “[a]lthough RLUIPA protects ‘any exercise of religion, whether or not compelled by, or central to, a system of religious belief,’ . . . a prisoner’s requested accommodation ‘must be sincerely based on a religious belief and not some other motivation.’” *Id.* Crucially, the burden on the prisoner’s religious exercise must be substantial. *Id.*; *see also* 42 U.S.C. § 2000cc-1(a). Only then does the burden shift to the government to prove that the burden imposed is the least restrictive means of furthering a compelling government interest. *Ramirez*, 595 U.S. at 425; 42 U.S.C. § 2000cc-1(a).



Governments substantially burden religion when they “significantly inhibit or constrain conduct or expression that manifests some central tenet of a person’s individual religious beliefs; . . . meaningfully curtail a person’s ability to express adherence to his or her faith; or . . . deny a person reasonable opportunities to engage in those activities that are fundamental to a person’s religion.” *Patel*, 515 F.3d at 813. And while a “prison must permit a reasonable opportunity for an inmate to engage in religious activities,” it “need not provide unlimited opportunities.” *Van Wyhe*, 581 F.3d at 657.

The Eighth Circuit has found, for example, that a prison giving inmates three hours per week for group worship—instead of the requested four—did not substantially burden their religious exercise. *See Weir v. Nix*, 114 F.3d 817, 821 (8th Cir. 1997). Additionally, a prison did not substantially burden an inmate’s religious exercise when it denied him the ability to keep prayer oils in his cell, especially when the prison’s denial was premised on security concerns. *See Hodgson v. Fabian*, 378 F. App’x 592, 593 (8th Cir. 2010). On the other hand, when a prison denied a prisoner’s requested meal accommodation in observance of the Sabbath, the prison substantially burdened the prisoner’s right to freely exercise his religion. *Love v. Reed*, 216 F.3d 682, 689–90 (8th Cir. 2000).

Here, Shockley does not show that the burden placed on him by Respondents’ refusal to allow his daughters to serve as his spiritual advisors *in and proximately surrounding the execution chamber* is substantial. Shockley states in his complaint that he wants his daughter Summer to administer communion to him and anoint him with oil shortly before his execution, and that he wants his daughter Morgan to touch and pray over him during his execution. Doc. 1 at 1. Shockley then argues that the “prohibition on Summer Shockley and Morgan Shockley as spiritual advisors at the time of Mr. Shockley’s execution substantially burdens Mr. Shockley’s

exercise of his sincerely held religious beliefs, which include having his spiritual advisors praying with him and watching over him as he passes to the afterlife.” Doc. 1 at 16.

But the facts in this case show that Shockley has been afforded meaningful opportunities to exercise his religion in the days leading up to his execution, like the prisoners in *Weir* and *Hodgson*, and will be afforded the opportunities he requests in and proximately surrounding the execution chamber. First, while the Department stated that, due to security concerns, Shockley cannot have a contact visit with his daughters to receive communion and anointing before his execution, the Department also offered Shockley several alternative accommodations so that he could still exercise his religion. These alternative accommodations included:

- (1) Department clergy [providing] the communion materials and anointing oil to Mr. Shockley for his own, personal administration;
- (2) the Department [allowing] Department clergy (of Mr. Shockley’s choosing) to administer the communion materials and anointing oil;
- (3) the Department [allowing] Mr. Shockley to designate a spiritual advisor *who is not related to Mr. Shockley*, to have a contact visit and administer the communion materials and anointing oil; or
- (4) the Department [allowing] one of Mr. Shockley’s attorneys to administer the communion materials and anointing oil.

Doc. 2-13 at 1. And, for each of these four options, the Department noted that “Mr. Shockley’s daughters may be present on the non-contact side of the visiting area, and they would be permitted to lead the spiritual ritual/proceeding and to provide direction to the person on the contact side of the visiting area.” *Id.* The Department would therefore allow Shockley both to engage in his chosen religious activity and to have his daughters participate in the activity with him.

Nowhere in the record before this Court does Shockley indicate that Morgan and Summer are the only acceptable spiritual advisors to him. Nor does he indicate that Morgan and Summer are the only members of his faith capable of administering communion to him or anointing him

with oil consistent with his religious beliefs. Indeed, he nowhere asserts any particular religious or spiritual-advisor connection to them, and nothing in the record before the Court, or apparently before the Department, establishes *when* Morgan became a minister, *see* doc. 2-2 (undated letter from church), while the record shows that Summer became a minister last year, *see* doc. 2-3. The Court will assume for purposes of this motion that Shockley has a particular spiritual-advisor connection to them, but the timing of when they became ministers goes to whether this last-minute litigation falls into the category of abusive litigation. *See Ramirez*, 595 U.S. at 451–52 (“Prisoners engage in abusive litigation in several different ways. For instance, some prisoners hold off bringing new claims until the last minute in order to force courts to stay or enjoin an execution simply to afford themselves more time to consider the merits of the claims.” (first citing *Woodard v. Hutchins*, 464 U.S. 377, 377–80 (1984) (Powell, J., concurring); then citing *Bucklew v. Precythe*, 587 U.S. 119, 149–50 (2019); then citing *Price v. Dunn*, 587 U.S. 1008, 1008–09 (2019) (Thomas, J., concurring); and then citing *Dunn v. Ray*, 586 U.S. 1138, 1138 (2019))); *see also id.* (“Other prisoners bring any ‘meritless’ claim available, no matter how frivolous, in hopes a sympathetic court will grant relief.” (first citing *Ray*, 586 U.S. at 1138; then citing *Hill*, 547 U.S. at 584–85; and then citing *Lambert v. Barrett*, 159 U.S. 660, 662 (1895))); *id.* at 451–52 (“Still others litigate their claims ‘piecemeal[,] . . . challenging one aspect’ of their execution ‘after another’ in order to buy time.” (first quoting *Hill*, 547 U.S. at 581; then citing *Woodard*, 464 U.S. at 380 (Powell, J., concurring); then citing *Williams v. Kelley*, 854 F.3d 998, 1002 (8th Cir. 2017) (per curiam); and then citing *Sanders v. United States*, 373 U.S. 1, 18 (1963))); *id.* at 452 (“And, in many other ways, yet more prisoners ‘deliberately engage in dilatory tactics’ designed to drag execution-delaying claims out ‘indefinitely.’” (first quoting *Rhines v. Weber*, 544 U.S. 269, 277–78 (2005); and then citing *Ryan v. Valencia Gonzales*, 568

U.S. 57, 76–77 (2013))). Such abusive tactics “all too often succeed.” *Id.* (citing *Bucklew*, 587 U.S. at 149–50). At a minimum, the record establishes that Shockley could have brought this action much sooner than he did. *See Hill*, 547 U.S. at 584 (quoting *Nelson*, 541 U.S. at 650); *see also Nooner*, 491 F.3d at 808.

The Court also recognizes, as Shockley posits, that ministers are not fungible, doc. 20 at 2. But the First Amendment and RLUIPA do not mandate the elimination of any and all burdens to the free exercise of religion, only those that are substantial. *Ramirez*, 595 U.S. at 425; *Van Wyhe*, 581 F.3d at 657. And context is important. This isn’t the mine run of accommodations in the prison setting; the specific context here is the state’s compelling interest in maintaining the “safety, security, and solemnity” of the execution room. *Ramirez*, 595 U.S. at 443 (Kavanaugh, J., concurring).

For all of these reasons, the Court finds that the Department’s accommodation of allowing Shockley to “designate a spiritual advisor *who is not related to Mr. Shockley*” to administer communion and anointing, doc. 2-13 at 1 (emphasis in original), does not substantially inhibit or constrain Shockley’s conduct or expression of his religious beliefs. *Patel*, 515 F.3d at 813. Nor does it prevent him from expressing adherence to his faith. *See id.* Nor, still, does it deny him the ability to engage in his preferred religious activities. *See id.* Thus, the Department’s decision does not constitute a “substantial burden” on Shockley’s free exercise of religion under RLUIPA. *See id.*

Second, while the Department denied Shockley the ability to have his daughter Morgan pray over him in the execution chamber due to safety concerns, doc. 7-1 at 3, it did not deny Shockley the ability to have *any* spiritual advisor of his faith in the execution chamber with him. Indeed, in Warden Adams’s October 6, 2025 decision regarding Shockley’s requested spiritual

accommodations, Adams specifically states that he denied Shockley’s request “without prejudice to Mr. Shockley’s selection of a different spiritual advisor who is not Mr. Shockley’s family member.” *Id.* Thus, Shockley still retains the ability to have a spiritual advisor of his faith, and (subject to safety concerns) of his choosing, in the execution chamber with him to lay hands on him and pray over him. That Morgan Shockley may not be the one in the chamber with him does not constitute a substantial burden on his religious exercise, considering all attendant factors and accommodations. *See Patel*, 515 F.3d at 813.

And, Respondents’ actions here do not substantially burden religion because they do not “significantly inhibit or constrain conduct or expression that manifests some central tenet of a person’s individual religious beliefs; . . . meaningfully curtail a person’s ability to express adherence to his or her faith; or . . . deny a person reasonable opportunities to engage in those activities that are fundamental to a person’s religion.” *Patel*, 515 F.3d at 813. With the accommodations offered, Shockley may engage in *all of the religious activities* he has requested.

And third, while the Department denied Shockley’s request to have Morgan present in the execution chamber, it has allowed Morgan and Summer to serve as witnesses to Shockley’s execution. *See doc. 7-1 at 3; doc. 7-2.* Shockley therefore retains the opportunity to have Morgan and Summer “pray with” and “watch[] over” him as he passes into the afterlife, doc. 1 at 16. For these reasons as well, Shockley has not shown a substantial burden. *Patel*, 515 F.3d at 813. Again, Shockley may still engage in all of the *activities* he has requested.

In finding that the accommodations Respondents have offered do not substantially burden Shockley’s free exercise of religion, the Court also emphasizes what’s not in the record:

- Shockley does not assert that his daughters are his only spiritual advisors;

- Shockley does not assert that his daughters are the only ministers able or qualified to provide the religious sacraments and rituals he seeks;
- Shockley does not articulate how the accommodations substantially burden, or burden at all, his exercise of religion. Instead, he leaves it to be assumed;
- Shockley nowhere claims that he has a particularly unique spiritual bond with his daughters. Again, he leaves it to be assumed.

The record Shockley chose to develop here leaves the Court with only a slender reed on which to determine the question of whether Shockley has met his burden under RLUIPA and the First Amendment to show that the accommodations offered by Respondents substantially burden his free exercise of religion. Recognizing that spiritual advisors may not be fungible, doc. 20 at 2, Shockley has known of this issue for months and chose to file suit five days before his execution, so in this regard, the Court finds that Shockley’s delay and lack of development of the record are equitable considerations weighing against the extraordinary equitable relief of a stay of execution. *Hill*, 547 U.S. at 584; *Bucklew*, 587 U.S. at 149–51; *see also Ramirez*, 595 U.S. at 450 (Thomas, J., dissenting).

And to the extent Shockley argues that *Ramirez* entitles him to have Morgan and Summer as his spiritual advisors despite the Department’s safety concerns, *Ramirez* does not extend so far. In that case, Texas initially denied Ramirez the opportunity to have *any* spiritual advisor pray over him or lay hands on him during his execution. *Ramirez*, 595 U.S. at 419–20. In finding that these actions were “traditional forms of religious exercise,” *id.* at 425, the Supreme Court ultimately held that Ramirez had a likelihood of success on his section 1983 RLUIPA claim and that he was entitled to a preliminary injunction, *id.* at 433. Here, unlike in *Ramirez*, Shockley was never denied the ability to have a spiritual advisor “lay hands on him and pray

over him while the execution [is] taking place.” *Id.* at 419–20 (citation modified); *see* doc. 7-1 at 3. Instead, what Shockley was denied was the ability to have his *family members qua* spiritual advisors perform these actions, which *Ramirez* does not contemplate. The Court declines Shockley’s invitation to extend *Ramirez* beyond its holding.

Thus, the Court finds that Shockley fails to satisfy his burden under RLUIPA. And “[w]here an inmate has not put forth sufficient evidence under RLUIPA to demonstrate a substantial burden on his religious exercise, his claim fails under the Free Exercise Clause of the First Amendment as well.” *Van Wyhe*, 581 F.3d at 657–58. Having found this, the Court addresses related issues on whether to grant an injunction staying execution.

## **2. Unnecessary delay**

A stay of execution is an extraordinary remedy. *See Hill*, 547 U.S. at 584. And the Court “should police carefully” abusive capital litigation. *Bucklew*, 587 U.S. at 150 . Having presided over Shockley’s federal proceedings for many years, the Court has found that Shockley indeed has attempted to delay these proceedings, and even that his lawyers violated Rule 11 of the Federal Rules of Civil Procedure and various rules of professional conduct. *Shockley v. Crews*, 696 F. Supp. 3d 589, 620 (E.D. Mo. 2023) (finding that “Shockley has intentionally delayed this Court’s proceedings”); Show Cause Order at 1, *Shockley v. Crews*, 4:19-cv-02520-SRC (E.D. Mo. Sept. 29, 2023), doc. 76; Order, *Shockley v. Crews*, 4:19-cv-02520-SRC (E.D. Mo. Feb. 10, 2024), doc. 101 (sanctioning Shockley’s counsel). The Supreme Court of Missouri similarly has found that Shockley has delayed the proceedings. Order at 2, 5–6, *State of Missouri v. Shockley*, No. SC90286 (Mo. Oct. 8, 2025).

In this regard, the Court likewise notes that it found, and Shockley did not meaningfully contest, that in his over 820 pages of habeas briefing “Shockley does not argue that he is actually

innocent.” 696 F. Supp. 3d at 631. And Shockley conceded as much in his filings with the Eighth Circuit. *See* Appellant Lance Shockley’s Reply in Support of His Application for Certificate of Appealability at 6, *Shockley v. Crews*, No. 24-1024 (“While the District Court pointed out that Shockley never “proclaim[ed] his innocence or contes[ed] his guilt,” . . . Shockley does not have to in order to show he is entitled to relief.”).

Yet, much to the dismay of this Court, Shockley has since argued to the state courts that “he has always maintained his innocence.” *See* Lance Shockley’s Amended Motion for Post-Conviction DNA Testing at 1, *State of Missouri v. Shockley*, No. 05C2-CR00080-01 (Carter Cnty. Cir. Ct. June 13, 2025) (“Shockley has, since his arrest, maintained that he did not kill Sgt. Graham.”); Appellant’s Brief at 10, *State of Missouri v. Shockley*, No. SD39099 (Mo. Ct. App. Sept. 22, 2025) (“Shockley has always maintained that he did not kill Sergeant Carl ‘Dewayne’ Graham.”); Appellant Lance Shockley’s Motion to Expedite the Appeal at 3, *State of Missouri v. Shockley*, No. SD39099 (Mo. Ct. App. Sept. 26, 2025) (“Shockley has always maintained that he did not kill Sergeant Graham.”); Appellant Lance Shockley’s Motion for Stay of Execution at 4, *State of Missouri v. Shockley*, No. SC90286 (Mo. Oct. 1, 2025) (“Shockley has always maintained that he did not kill Sgt. Graham.”).

The Court does not here question the sincerity of Shockley’s religious beliefs, so why point out Shockley’s inconsistent (and that’s being mild) representations to various courts? Because the Court *does* question Shockley’s *motivations* for pursuing last-minute, and last-ditch, litigation seeking to stay his execution. *See Ramirez*, 595 U.S. at 451 (Thomas, J., dissenting) (“Unsurprisingly, death-row inmates generally employ any means available to stave off their sentences and therefore often engage in abusive litigation.” (citing *Woodard*, 464 U.S. at 380)). And the Court notes that the record establishes that Shockley could have brought this action



much earlier but chose to wait to bring it until after he made other last-ditch attempts to stay his execution. *See Order, State of Missouri v. Shockley*, No. SC90286 (Mo. Oct. 8, 2025).

**B. Strict scrutiny**

Because the Court finds that Shockley fails to meet his burden of demonstrating a substantial burden on his exercise of religion, the Court need not go any further. But mindful of the timeline and ultimate consequences at hand, the Court addresses whether the respondents' actions would satisfy strict scrutiny. The "[g]overnment fails to act neutrally when it proceeds in a manner intolerant of religious beliefs or restricts practices because of their religious nature." *Fulton*, 593 U.S. at 533 (citing *Masterpiece Cakeshop, Ltd. v. Colo. Civ. Rts. Comm'n*, 584 U.S. 617, 636–40 (2018)). And a "law is not generally applicable if it invites the government to consider the particular reasons for a person's conduct by providing a mechanism for individualized exemptions." *Id.* (cleaned up). "A law also lacks general applicability if it prohibits religious conduct while permitting secular conduct that undermines the government's asserted interests in a similar way." *Id.* at 534.

Applying these principles, Respondents' actions survive strict scrutiny. Respondents would keep family out of the execution chamber regardless of whether they are religious ministers or otherwise performing religious rituals or sacraments; instead, it is the immutable characteristic of genetics that causes Respondents' safety and security concerns. Respondents have offered accommodations that allow the exact same rituals and sacraments to be performed both in the execution chamber, and in the time before Shockley is in the chamber (i.e., receipt of communion, bathing with ritual oils) as would be performed by Shockley's daughters. Respondents' proposed accommodations demonstrate not hostility towards religion but appropriate respect for it, and they strike a constitutionally permissible balance between

Shockley’s First Amendment and RLUIPA rights and the government’s “compelling interest in preventing disruptions of any sort and maintaining solemnity and decorum in the execution chamber.” *Ramirez*, 595 U.S. at 430.

And while RLUIPA may require a claimant-specific strict-scrutiny analysis when that claimant’s proposed religious request would not meaningfully undercut the government’s interest, *see Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 430–31 (2006),<sup>1</sup> an execution-chamber situation, as here, concerns a very different risk calculus. “[P]risons have compelling interests in both protecting those attending an execution and preventing them from interfering with it.” *Ramirez*, 595 U.S. at 431. Unruly family members may “tamper with the prisoner’s restraints or yank out an IV line,” or even enable an inmate to “escape his restraints . . . or become violent.” *Id.* Because of that, the “need for uniformity precludes” granting Shockley’s request here. *O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. at 436.

**C. Motion to dismiss**

The Court now addresses Respondents’ motion to dismiss. Doc. 16. Because the Court finds that Shockley does not meet the elements for a stay of execution and denies all relief he seeks on that ground, the Court denies Respondents’ motion to dismiss as moot. Doc. 16.

**D. Motion to proceed *in forma pauperis***

Finally, the Court addresses Shockley’s motion to proceed *in forma pauperis*. Doc. 24. Given that Shockley’s counsel has already paid the filing fee in this case, *see* doc. 24 at 2, and

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<sup>1</sup> Although *O Centro* centers on the Religious Freedom Restoration Act (RFRA), “the Religious Land Use and Institutionalized Persons Act of 2000 . . . allows federal and state prisoners to seek religious accommodations pursuant to the *same standard as set forth in RFRA*.” *O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. at 436 (emphasis added); *Holt v. Hobbs*, 574 U.S. 352, 358 (2015) (“RLUIPA thus allows prisoners to seek religious accommodations pursuant to the same standard as set forth in RFRA.”).

given that Shockley has not filed an inmate-account statement as required by 28 U.S.C.

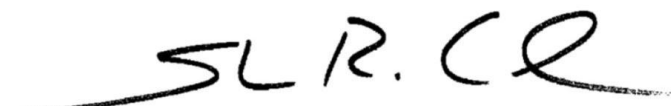
§ 1915(a)(2), the Court denies Shockley's motion to proceed *in forma pauperis*. Doc. 24.

#### IV. Conclusion

The Court concludes that Shockley has not met his burden under RLUIPA and the First Amendment to show that the accommodations offered by Respondents substantially burden his free exercise of religion. The Court therefore finds that Shockley cannot prevail on the merits, and the Court thus need not address the other factors for granting the extraordinarily rare remedy of a stay of execution or, for that matter, an injunction mandating that family members be allowed in the execution chamber rather than as execution observers. The Court denies Shockley's [2] motion for preliminary injunction, finds no issues on which to provide declaratory relief, dismisses this case with prejudice, and denies as moot Respondents' [16] motion to dismiss. The Court denies Shockley's [24] motion to proceed *in forma pauperis*.

The Court also finds that the parties have met the legal and factual requirements for sealing various internal Department documents that are shielded from disclosure by Missouri law and therefore grants the [5] [13] motions for leave to file under seal. The Court therefore orders that exhibits 7-1, 7-2, 7-3, 7-4, 7-5, and 14-1 will remain under seal.

So ordered this 11th day of October 2025.

  
STEPHEN R. CLARK  
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LANCE SHOCKLEY,

Petitioner,

v.

RICHARD ADAMS et al.,

Respondents.

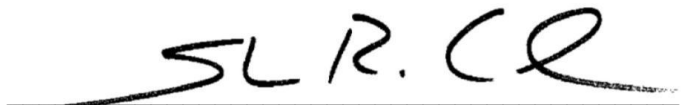
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Case No. 4:25-cv-01513-SRC

**Order of Dismissal**

In accordance with the Memorandum and Order entered on this date, the Court dismisses this case with prejudice.

So ordered this 11th day of October 2025.

A handwritten signature in black ink, appearing to read "SL R. CLARK", written over a horizontal line.

STEPHEN R. CLARK  
CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

|                                      |   |                               |
|--------------------------------------|---|-------------------------------|
| LANCE SHOCKLEY,<br><i>Appellant,</i> | ) |                               |
|                                      | ) |                               |
|                                      | ) |                               |
| v.                                   | ) | Case No. 25-3024              |
|                                      | ) |                               |
| RICHARD ADAMS                        | ) |                               |
| Warden,                              | ) | DEATH PENALTY CASE            |
| Eastern Reception and                | ) | EXECUTION SCHEDULED           |
| Diagnostic Correctional Center;      | ) | OCTOBER 14, 2025, 6:00 PM CST |
|                                      | ) |                               |
| HEATHER COFER                        | ) |                               |
| Warden,                              | ) |                               |
| Potosi Correctional Center;          | ) |                               |
|                                      | ) |                               |
| MYLES STRID                          | ) |                               |
| Director,                            | ) |                               |
| Division of Adult Institutions;      | ) |                               |
|                                      | ) |                               |
| TREVOR FOLEY,                        | ) |                               |
| Director, Missouri                   | ) |                               |
| Department of Corrections,           | ) |                               |
| <i>Appellees.</i>                    | ) |                               |

**APPELLANT LANCE SHOCKLEY'S MOTION FOR STAY OF  
EXECUTION**

Appellant Lance Shockley, set to be executed on October 14, 2025 by the State of Missouri, appeals the dismissal of his action and the denial of his motion for a preliminary injunction and moves this Court for a Stay of Execution pending the disposition of his underlying appeal brought under 42 U.S.C. § 1983 and 42 U.S.C. § 2000cc. Shockley brings this motion to protect his religious liberty interests during the execution process and not, as the State and District Court suggest, to simply delay the

execution. Shockley has chosen a spiritual advisor to pray with him as he enters the afterlife and one to administer communion and anointing oils. His chosen spiritual advisors meet all the qualifications required by the State of Missouri and are only being denied because the qualified spiritual advisors are members of Mr. Shockley's family. The State's objections to Mr. Shockley's spiritual advisor selections have varied over time, relied on unsupported speculation of potential harm, and ultimately fail to adhere to the Supreme Court's reasoned opinion in *Ramirez v. Collier*, 595 U.S. 411, 431-32 (2022), which rejects the very types of speculative harm that the Appellees in this case offered to the District Court.

Mr. Shockley's religious claims are sincere, his request for his daughters to serve as his spiritual advisors meet the State's own requirements, and his daughters pose no more harm than any other spiritual advisors that have undertaken the solemn role of providing spiritual comfort to a condemned man as he enters the afterlife. As set forth more fully below, Mr. Shockley appeals the denial of his request for a preliminary injunction and he is entitled to a stay of execution because he is likely to succeed on the merits of his claim.

As the Supreme Court, recognized in *Ramirez* – but as the District Court refused to recognize – that the right to one's spiritual advisor is a right to one's personal spiritual advisor, including one with whom the individual has an ongoing relationship. The District Court has refused to adhere to the specific teaching of *Ramirez*, and where

*Ramirez* was found to have a likelihood of relief on the merits of his claim, so, too, does Mr. Shockley.

## INTRODUCTION

Lance Shockley is scheduled to be executed at the Eastern Reception and Diagnostic Correctional Center in Bonne Terre, Missouri, on October 14, 2025, at 6:00 PM CST.

The Missouri Department of Corrections (“MODOC”) has denied him the choice of Morgan Shockley and Summer Shockley-Anagnostopolous as spiritual advisors, Morgan, to act as his spiritual advisor in the execution chamber to touch and pray over him, and Summer to administer communion and anoint him with oils as the MODOC executes him - only because his chosen spiritual advisors are members of his family.

The condemned have the right to have a spiritual advisor by their side to touch and pray over them as they are executed. *See, e.g., Ramirez v. Collier*, 595 U.S. 411 (2022); *Dunn v. Smith*, 141 S. Ct. 725 (2021).

In compliance with the Supreme Court’s precedent, MODOC as a matter of institutional policy allows condemned persons to have their chosen spiritual advisors accompany them in the execution chamber. Indeed, every executed person in Missouri except for one has had his spiritual advisor present during his execution since November 2022. *See e.g., Missouri death row inmate Kevin Johnson executed for killing police*

*officer in 2005*, Sky News (Nov. 30, 2022)<sup>1</sup> (“However, in a first in modern executions in Missouri, [Kevin] Johnson was not alone when he died. The 37-year-old had his spiritual advisor, the Reverend Darryl Gray, beside him.”).

Furthermore, although not specific or limited to death-sentenced people, MODOC has an established policy concerning spiritual advisors for people in MODOC custody. *See* R. Doc. 2, Ex. A. The policy addresses, among other matters, who may serve as a spiritual advisor and the “qualifications” a person must possess to be able to serve as a spiritual advisor. R. Doc. 2, Ex. A at 2 (D5-3.3(III)(B))2(d)).

MODOC policy explicitly contemplates a situation in which immediate family members, such as the offender’s children, serve as spiritual advisors. R. Doc. 2, Ex. A. at 2 (D5-3.3(II)(E)(g)).

Under the MODOC policy and past MODOC execution practice, Mr. Shockley has designated two spiritual advisors, Summer Shockley-Anagnostopolous and Morgan Shockley, who are his daughters. Mr. Shockley has requested Morgan be present in the chamber with him as the execution takes place, and Summer first administer communion and anoint him with oil and then be in the viewing area.

Summer and Morgan are qualified “spiritual advisors” under the MODOC policy’s definition. Morgan was endorsed by River of Life Church in Van Buren, MO and ordained by The Missouri Way. R. Doc. 2, Ex. B; R. Doc. 2, Ex. G. Summer was

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<sup>1</sup> Available at <https://news.sky.com/story/missouri-death-row-inmate-kevin-johnson-executed-for-killing-police-officer-in-2005-12758572> (last visited Oct. 9, 2025)



ordained by American Marriage Ministries and endorsed by Bluff First Assembly of God Church in Poplar Bluff, MO. R. Doc. 2, Ex. C; R. Doc. 2 Ex. H.

Yet, despite Summer and Morgan possessing the proper spiritual advisor “qualifications” and MODOC’s express policy allowing immediate family to serve as spiritual advisors, MODOC has denied Mr. Shockley’s request to have Morgan in the execution chamber as his spiritual advisor and Summer to administer communion and anoint him with oil. R. Doc. 2, Ex B.

MODOC’s refusal to allow Mr. Shockley’s spiritual advisors to administer rites as the State executes him and as he passes into the afterlife violates his rights under the First Amendment Free Exercise Clause and the Religious Land Use and Institutional Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc *et seq.*, because this bar on his spiritual advisors prohibits the free exercise of Mr. Shockley’s religion and invades his religious liberty.

## **PROCEDURAL HISTORY**

Summer and Morgan applied to MODOC to be designated as spiritual advisors for their father, Lance Shockley in July of this year. Both Summer and Morgan filled out the MODOC application and provided documentation necessary for their credentialing.

On August 21, 2025, MODOC denied Summer and Morgan’s applications to serve as spiritual advisors for Mr. Shockley and informed them their applications had

been denied because they were family members. *See e.g.*, R. Doc. 2, Ex. F (“Nathan Forbes contacted Morgan Shockley stating that she was not eligible to serve as a Spiritual Advisor to her father, Lance Shockley, because she is immediate family.”); R. Doc. 2, Ex. M at 1 (“[T]he department will allow Mr. Shockley to designate a spiritual advisor *who is not related to Mr. Shockley*, to have a contact visit and administer the communion materials and anointing oils.]”)(emphasis in original).

Summer and Morgan each appealed the MODOC denial pursuant to MODOC policy. MODOC upheld their original denials based on their status as Lance Shockley’s family members. R. Doc. 2, Ex. D; R. Doc. 2, Ex. J.

Per MODOC protocols, on September 28, 2025, Mr. Shockley was given the opportunity to fill out a form asking who would be witnessing his execution. The form did not provide a place to designate the spiritual advisor to be in the chamber with him, but Mr. Shockley designated Morgan and Summer as spiritual advisors and not regular family member witnesses on that form. Mr. Shockley returned the form on Monday, September 30, 2025. Mr. Shockley’s request for communion and oils from his spiritual advisor and Morgan to be present in the chamber came in emails dated September 29, 2025 and October 2, 2025 from his attorney, Jeremy Weis, to the Assistant Attorney General Greg Goodwin. MODOC offered some accommodation to Mr. Shockley but denied his requests for contact visits with both of his designated spiritual advisors. This denial included pre-execution visits for the purpose of praying, receiving communion, and the use of anointing oil in their religious ceremonies. MODOC further denied Mr.

Shockley's request that Morgan be allowed in the execution chamber to pray with Mr. Shockley as he is executed on October 14, 2025. R. Doc. 2, Ex. M.

Mr. Shockley filed an internal grievance with MODOC on October 8, 2025, and MODOC denied the grievance on the same date. R. Doc. 2, Ex. Q. MODOC considered the initial grievance an appeal and concluded that no further appeals were necessary. R. Doc. 2, Ex. Q at 4.

Shockley filed a lawsuit in the United States District Court for the Eastern District of Missouri on October 9, 2025, pursuant to 42 U.S.C. § 1983 and RLUIPA 42 U.S.C. § 2000cc et seq., because this bar on his spiritual advisors prohibits the free exercise of Mr. Shockley's religion and invades his religious liberty. Mr. Shockley also filed a motion for injunctive relief, to stay the execution pending disposition of the lawsuit. Appellees filed a motion to dismiss the complaint and objected to the motion for injunctive relief and the request for a stay. On October 11, 2025, the District Court issued a Memorandum and Order denying Shockley's request for Injunctive Relief, and denying his Request for a Stay of Execution, and dismissing his complaint. Doc. 26. The district court entered a separate order dismissing the lawsuit outright and with prejudice. R. Doc. 27.

Shockley filed a notice of appeal on October 11, 2025, with the District court and the case is presently before this Court.

## STATEMENT OF THE FACTS

Mr. Shockley’s Christian faith is central to who he is as a man and how he conducts his life in prison. Lance Shockley has dedicated his life over the last twenty years to the service of others and to living out Christ’s example every day. It is well known within the prison that Lance is seldom without his Bible and will mentor and pray with every inmate that allows him to. Lance is deeply involved in religious services within the institution and does his best to supplement them as well. *See* Laura Kosta, *A Shoe Repairman with a ‘Servant’s Heart,’* St. Louis Review (Sept. 25, 2025)<sup>2</sup>; Krisanne Vaillancourt Murphy, *No Life is Beyond Redemption: Renewed Efforts to End Death Penalty in Respect Life Month,* Vatican News (Oct. 9, 2025),<sup>3</sup> (quoting Archbishop Mark Rivotuso as saying that Mr. Shockley is “very devout to his faith.”); Laura Kosta, *Archdiocese Launches New Program to End the Death Penalty,* St. Louis Review (Oct. 9, 2025)<sup>4</sup>, (“[Lance’s] ability to articulate and express himself in his depth of faith . . . there is such a conviction there.”).

The policy’s definition of a “spiritual advisor” is a “[c]ommunity spiritual leader of any religious group formally authorized and empowered by a religious body to

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<sup>2</sup> <https://www.stlouisreview.com/story/a-shoe-repairman-with-a-servants-heart> (last visited Oct. 9, 2025)

<sup>3</sup> <https://www.vaticannews.va/en/church/news/2025-10/respect-life-month-catholic-mobilizing-network-death-penalty.html> (last visited Oct. 9, 2025)

<sup>4</sup> <https://www.stlouisreview.com/story/archdiocese-launches-new-program-to-end-the-death-penalty/>

administer ordinances or sacraments, to perform mandatory rites, counsel, and to conduct religious or spiritual services and studies subject to institutional verification of his credentials.” R. Doc. 2, Ex. A at 2.

Under Section III.B.2.a. of the MODOC policy, “In the event the clergy or spiritual advisor is an immediate family of the offender, visiting privileges may be provided either as a clergy or spiritual advisor or in accordance with the institutional services procedure regarding offender visitation, but not both.” R. Doc. 2, Ex. A 2. MODOC policy therefore does not prohibit immediate family from serving as spiritual advisors.

“Immediate family” is defined as “the offender’s . . . children/stepchildren . . . .” R. Doc. 2, Ex. A at 2. MODOC policies provide a spiritual advisor must apply by submitting a spiritual advisor approval form. R. Doc. 2, Ex. A at 2. The approval form must be accompanied by at least two of the following documents: ordination certificate; listing as clergy or spiritual advisor in a religious organization publication or website; letter of endorsement (on official letterhead) from the respective religious organization; federal income tax filing status as “clergy or minister”; and designation on approved visiting application as clergy or spiritual advisor. R. Doc. 2, Ex. A at 2-3.

Both Morgan and Summer followed the steps to be designated Mr. Shockley’s spiritual advisors as required. R. Doc. 2, Ex. B; R. Doc. 2, Ex. C; R. Doc. 2, Ex. G; R. Doc. 2, Ex. H. Pursuant to Section III.B.2.a. of the MODOC policy, Morgan and Summer have requested privileges as spiritual advisors, rather than as family members.

Morgan was notified on August 21, 2025, by the acting chaplain at Potosi Correctional Center that her application to be a spiritual advisor for her father was denied. R. Doc. 2, Ex. F at 3. The reason provided by Mr. Forbes was that she was a family member and would not be allowed to perform the functions of a spiritual adviser for that reason alone. R. Doc. 2, Ex. F at 3. Morgan Shockey appealed the decision citing the DOC's policy as set forth in Exhibit A. R. Doc. 2, Ex. D at 1.

Morgan's appeal was sent to Aaron B. Davis, Religious and Spiritual Programming Coordinator for the Missouri Department of Corrections. Mr. Davis requested additional documentation from Morgan Shockley and after receiving the paperwork he notified her that she "appears to be qualified to serve as a spiritual advisor." R. Doc. 2, Ex. G at 3. Mr. Davis then informed Morgan that he would "contact the administration of PCC to let them know that you are qualified as an advisor" and that "the facility would need to accommodate you as a spiritual advisor." R. Doc. 2, Ex. G at 3. Mr. Davis emailed a day later at 7:30 AM and clarified his prior approval email saying, "My review is only based on the qualifications. If they have other concerns, they will consult the division director, so you may want to contact PCC to find out if they are changing the denial or not." R. Doc. 2, Ex. G at 1.

At the same time Mr. Davis was emailing Morgan regarding her approval, he was also informing the acting chaplain, Mr. Forbes, and Potosi Correctional Center Warden Heather Cofer that he had approved Morgan's request. R. Doc. 2, Ex. F at 1-3. Mr. Davis informed them of his approval at 3:58 PM on September 25, 2025. R. Doc. 2,

Ex. F. at 3. Warden Cofer emailed Mr. Davis back at 5:07 PM on September 25, 2025, that Director of Adult Institutions Myles Strid denied her request and that “the decision to deny her as a spiritual advisor will stand.” R. Doc. 2, Ex. F at 2. Mr. Davis responded the following morning to Warden Cofer at 7:26 AM and informed her that he “meant to include in my earlier email that if there are safety/security concerns (and there are) then they should be taken to director Strid. I apologize for any confusion.” Two minutes later at 7:28 PM Warden Cofer emailed back and asked whether “[Morgan] has been contacted.” R. Doc. 2, Ex. F at 2. Mr. Davis then responds stating, “When I contacted her, I advised her that I only review it based on the qualifications, so she would need to contact the facility regarding the status of her application.” R. Doc. 2, Ex. F at 2.

The email timeline shows that Mr. Davis told Warden Cofer that he informed Morgan Shockley that there were concerns with her application and that she should take her concerns to Director Strid. R. Doc. 2, Ex. F at 2. At the time he wrote this he had not informed Morgan of any concerns about her application, nor had he suggested she contact Director Strid. When he finally emailed Morgan the following morning, he did not inform her that her appeal was denied, that there were any concerns, nor that she should contact Director Strid as he had told Warden Cofer. R. Doc. 2, Ex. G at 1. Mr. Davis only said to Morgan Shockley, “*if* they have other concerns” but he did not express that any such concerns existed. R. Doc. 2, Ex. G at 1. (emphasis added).

A formal denial for Summer and Morgan's applications to serve as spiritual advisors was communicated via voicemail to Mr. Shockley's counsel on September 26, 2025, from Assistant Missouri Attorney General Michael Spillane.

MODOC communicated its proposed accommodations to Mr. Shockley on October 6, 2025. R. Doc. 2, Ex. M. MODOC declined to designate either Morgan or Summer as spiritual advisors. *Id.* In addition, MODOC denied Mr. Shockley's request for in-person visits with his spiritual advisors for purposes of exercising his religion. *Id.* This included contact visits for purposes of receiving communion and for use of anointing oils in their religious practices. Finally, MODOC declined to allow Morgan to be present in the execution chamber to touch and pray over Mr. Shockley if the execution proceeds on October 14, 2025. *Id.*

Counsel for Mr. Shockley requested clarification as to several aspects of MODOC's proposed accommodations and MODOC provided additional accommodations and some additional clarification. R. Doc. 2, Ex. M. MODOC continued to deny Mr. Shockley's request for contact visits with his spiritual advisors and for Morgan to be present with him in the execution chamber. *Id.*

Mr. Shockley utilized the prison grievance process to request Morgan's presence in the execution chamber and in person communion from Summer Shockley. This grievance was filed on October 8, 2025, one day following the Missouri Department of Corrections formal notification to his counsel. MODOC issued its IRR denial on October 8, 2025. R. Doc. 5, Ex. Q.



The IRR denial from MODOC indicates that Morgan was denied her request to serve as a spiritual advisor stating, “does not meet the requirements to be your spiritual advisor while you are on pre-execution status due to institutional safety and security concerns, which causes a failure to satisfy the background check provision of D 5-3.3III(B) (2) (c) (2).” R. Doc. 5, Ex. Q at 3. MODOC has not provided any information regarding what, if any, concerns arose during Morgan’s background check.

The IRR denial from MODOC also states that Morgan’s initial application was denied on August 21, 2025, and that the basis for the denial was “D5-3.3III(B)(2)(c)(2), which relates to the safety and security of the institution.” R. Doc. 5, Ex. Q at 2. But the August 21, 2025, letter from MODOC only stated that “no immediate family member is eligible to be a clergy/spiritual advisor.” R. Doc. 2, Ex. F at 3. The letter did not reference any part of MODOC Policy D5-3.3. Morgan appealed the MODOC decision, R. Doc. 2, Ex. D, and was told she met the qualifications. R. Doc. 2, Ex. G. At no time did MODOC communicate to Morgan that she was denied for any reason other than because she is Mr. Shockley’s immediate family. But the denial of Mr. Shockley’s IRR indicated for the first time Morgan’s appeal “was improper because the basis for the denial was under D5-3.3III(B)(2)(c)(2).” R. Doc. 5, Ex. Q at 2. The IRR denial argues, however, that concerns about “institutional safety and security . . . was communicated to Morgan Shockley by email on Friday, September 26, 2025, at 7:30 A.M.” R. Doc. 5, Ex. Q at 2. The referenced email did not indicate MODOC had made

the decision to uphold the denial nor did the email explain that the denial was based on any factor beyond her status as a family member. R. Doc. 2, Ex. G at 3; Ex. F at 3.

The IRR denial notes for a second time that Morgan and Summer's requests to serve as spiritual advisors was denied based on "[t]he background check provision" referenced in "D5-3.3III(B)(2)(c)(2)." R. Doc. 5, Ex. Q at 3. MODOC has not provided any information with respect to the type of background check conducted and, what, if any, concerns resulted from MODOC's investigation.

The IRR denial rejected the proposed alternative requiring Morgan to sign an agreement not to disclose sensitive institutional information resulting from their presence in the chamber and for members of the execution team wear face coverings to obscure their identities. R. Doc. 5, Ex. Q at 3. The IRR denial suggests previous spiritual advisors violated similar agreements but does not provide the language of these agreements nor does the denial outline what, if any, sensitive information was shared by these prior spiritual advisors that would invalidate future use of similar agreements. R. Doc. 5, Ex. Q at 3.<sup>5</sup> Further, neither Summer nor Morgan has ever caused any

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<sup>5</sup> None of the articles cited in the IRR feature spiritual advisors disclosing secret information about the executions they witnessed. One spiritual advisor did say that the warden at Bonne Terre had him "sign documents swearing [he] would never divulge the names of any staff whom [he] saw or who assisted [him] during these visits." Gerry Kleba, *On Death Row with Johnny Johnson*, Association of U.S. Catholic Priests (Oct. 25, 2024) <https://tinyurl.com/9ywmbwvh> (last visited Oct. 11, 2025). To be sure, none of the articles the divulge names, physical characteristics, or any other identifying features of anyone at Bonne Terre. The articles focus on the relationship between the condemned and their spiritual advisors. Based on the limited information

problems in the nearly two decades of visiting Mr. Shockley in prison, and there is no evidence that either would violate policy now that they are taking part in MODOC process.

## ARGUMENT

A reversal of the district court’s denial of the preliminary injunction and stay of execution is warranted where there is a “presence of substantial grounds upon which relief might be granted.” See *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). To decide whether a stay is warranted, the federal courts consider the petitioner’s likelihood of success on the merits, the relative harm to the parties, and the extent to which the prisoner has delayed his or her claims. See *Hill v. McDonough*, 547 U.S. 573, 584 (2006); *Nelson v. Campbell*, 541 U.S. 637, 649-50 (2004).

Shockley unquestionably will suffer irreparable harm absent this Court entering a stay of execution. See *Wainwright v. Booker*, 473 U.S. 935, 935 n.1 (1985) (Powell, J., concurring) (irreparable harm is “necessarily present in capital cases”). In contrast, the State will not suffer any tangible harm. Although the State has a recognized interest in the enforcement of criminal judgments, it “also has an interest in its punishments being carried out in accordance with the Constitution of the United States.” *Harris v. Vasquez*, 901 F.2d 724, 727 (9th Cir. 1990). The Supreme Court recently granted certiorari in

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shared about the signed agreements, there is no evidence to suggest any have ever been violated.

*Glossip v. Oklahoma*, 144 S. Ct. 691, 692 (2024) (Mem.), a case that involved due process concerns arising out the State’s failure to disclose the prior convictions of its star witness until after the conclusion of the ordinary course of review in state court. The Court’s grant of a stay in light of *Glossip* serves the State’s interest in ensuring the constitutionality of Shockley’s sentence. To the extent the State claims any harm due to the timing of this request, the State—as in *Glossip*—has self-inflicted such harm. The State failed to heed the Supreme Court’s decision in *Ramirez*, encouraging the States to adopt policies and procedures setting clear guidelines related to spiritual advisor issues. 595 U.S. at 436 (“If States adopt clear rules in advance, it should be the rare case that requires last-minute resort to the federal courts.”) The State’s ad hoc approach to this issue and failure to follow its own spiritual advisor guidelines directly led to the instant litigation.

The remaining stay considerations also weigh heavily in favor of a stay. This application addresses each in turn.

**1. Shockley is entitled to a preliminary injunction and a stay of his execution because he likely to prevail on appeal.**

To succeed on appeal, Mr. Shockley must show that MODOC’s denial of his choice of spiritual advisors and their ability to administer rites and pray over and touch him during the execution substantially burdens his religious exercise. He must also show that MODOC’s compelling interest in safety, security, and solemnity around the

execution process does not survive strict scrutiny and the compelling interest test. He can do both and is therefore likely to succeed on appeal.

**a. The State’s prohibition on family members serving as spiritual advisors implicates Mr. Shockley’s religious exercise.**

Mr. Shockley “bears the initial burden of proving that a prison policy ‘implicates his religious exercise.’” *Ramirez*, 595 U.S. at 425. RLUIPA protects “any exercise of religion, whether or not compelled by, or central to, a system of religious belief[.]” *Id.* Additionally, the prisoner’s accommodation “must be sincerely based on a religious belief and not some other motivation,” *Id.* (quoting *Hobbs*, 574 U.S. at 360-61).

*i. Mr. Shockley’s religious exercise is implicated.*

Mr. Shockley’s request to have his two ordained daughters serve as his spiritual advisors is based on his sincerely held religious beliefs. MODOC’s policy on spiritual advisors requires that spiritual advisor applicants provide proof of status as clergy. Both Morgan and Summer furnished records showing their ordinations and letters of endorsement by their respective churches. Two different organizations for each woman confirm their roles as qualified members of the clergy. In fact, Morgan is a missionary by profession. Mr. Shockley’s desire to have them minister to him is borne of a genuine respect for their religious leadership.

Specifically, Mr. Shockley wants Morgan to be present in the execution chamber to touch him and to pray over him while he passes into the afterlife. He also

would like to receive communion from and be anointed with oil by Summer.

“[Shockley] seeks to have his pastor lay hands on him and pray over him during the execution. Both are traditional forms of religious exercise.” *Ramirez* at 425. The things Mr. Shockley is asking for are common religious practices not just for the condemned, but for many religious people.

- ii. *Mr. Shockley’s religious beliefs are sincerely held and his motive for filing suit is pure.*

Notably, the District Court “does not here question the sincerity of Shockley’s religious beliefs.” R. Doc. 26 at 18. But it did question Mr. Shockley’s motivations in filing suit. The District Court alleged that Mr. Shockley raised his religious protections issue much later than he could have as “last-minute, and last-ditch, litigation seeking to stay his execution.” *Id.* The Court asserted that “the record establishes that Shockley could have brought this action much earlier but chose to wait[.]” *Id.* at 18-19. But this is incorrect. Mr. Shockley’s daughters applied to be spiritual advisors in July. They weren’t notified of their initial denials until late August, and their appeal denials weren’t finalized until September 26 (Morgan) and October 8 (Summer). *See* R. Doc. 2, Ex. D at 2, Ex. G at 1, Ex. R. at 1. Even then, Mr. Davis equivocated when he relayed Morgan’s denial to her and gave her the wrong information about who to question about the denial. On September 26, Mr. Shockley’s counsel was notified voicemail of the woman’s denials. From there, Mr. Shockley’s counsel and the

Attorney General's office attempted to reach an agreement through email. *See* R. Doc. 2, Ex. K; Ex. M. Mr. Shockley was formally denied his requests by ERDCC Warden Richard Adams on October 6. R. Doc. 2, Ex. K. Mr. Shockley grieved this denial two days later and that grievance was denied the same day. R. Doc. 5, Ex. Q. Mr. Shockley and his daughters diligently pursued non-litigation avenues to resolve these issues. It wasn't until his grievance was denied and after multiple failed attempts by both parties' counsels to reach an agreement was litigation ripe. Mr. Shockley filed suit the day after negotiations broke down and his grievance was denied.

Mr. Shockley's claim is by nature last-minute because these issues did not arise until the last two weeks. MODOC does not ask the condemned for their execution witness list and spiritual advisor designations until shortly before the execution. And his daughters did not need to request spiritual advisor status until Mr. Shockley was given an execution date, because as family visitors, they had the same contact visit access as a spiritual advisor before Mr. Shockley was under warrant. The District Court was mistaken about the ripeness of the issue and the time at which Mr. Shockley could have raised this claim. Further, he should not be penalized for waiting to file a lawsuit because he was trying to work with MODOC to come to an agreement. Finally, it is important to note that Mr. Shockley is not seeking an indefinite stay. Rather, he's seeking an injunction to stay his execution until the State can execute him without burdening his right to religious liberty.

Because the religious practices Mr. Shockley seeks to have his spiritual advisors perform before and during his execution are traditional forms of religious exercise and the veracity of his beliefs are not in question, the State impeding his requests clearly implicates religious exercise. Further, Mr. Shockley’s motives in raising this claim of substantial burden of his religious liberties are pure. He filed suit at an appropriate time and is not seeking a permanent stay.

**2. The State’s refusal to approve his spiritual advisor request imposes a substantial burden on his free exercise of religion.**

RLUIPA ensures a “greater protection for religious exercise than is available under the First Amendment.” *Holt v. Hobbs*, 574 U. S. 352, 357 (2015). RLUIPA provides that “[n]o government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution”—including state prisoners—“even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000cc–1(a). “The compelling interest standard of RLUIPA—like the compelling interest standard that the Court employs when applying strict scrutiny to examine state limitations on certain constitutional rights—necessarily operates as a balancing test.” *Ramirez*, 595 U.S. at 441. Once the prisoner establishes the State’s action substantially burdens their religious



liberty then the burden shifts to the State to “demonstrate[ ] that imposition of the burden on that person” is the least restrictive means of furthering a compelling governmental interest. § 2000cc–1(a); *Id.* (quoting *Hobbs*, 574 U.S. at 362). Under RLUIPA the religious exercise burdened need not be a constraint to a “central tenet” of a person’s religious beliefs. *Ramirez*, 595 U.S. at 425. “Any exercise of religion” that is substantially burdened constitutes a violation of RLUIPA. *Id.*

The District Court attempted to equate Mr. Shockley’s request to have the spiritual advisor of his choosing lay hands on him and pray over him at the moment of his death to cases where an inmate pled substantial burden for not having access to specific foods to adhere to religious practice, having prayer oils in the cell, or having three hours of practice instead of four. But these examples represent routine religious practices that can accomplished through other accessible means.

For example, in *Patel v. United States Bureau of Prisons*, the court found the inmate’s religious liberty wasn’t substantially burdened when the prison would not purchase halal meat meals that met his most restrictive diet because Patel had access to vegetarian option in the dining hall and halal foods in commissary. 515 F.3d 807 (8th Cir. 2008). Patel insisted the prison pay for his deeply restrictive meals rather than pay for commissary items out of pocket. *Id.* at 814. Because Patel had access to a myriad of foods that met his religious diet, the court found that only his wallet was burdened. *Id.* at 815.

Another example featured a prisoner that wanted to keep religious items like incense and oils in his cell but was denied because of safety issues. *Hodgson v. Fabian*, 378 F. App'x 592 (8th Cir. 2010). Hodgson wasn't permitted to smudge or burn incense in his cell, but the prison never restricted him from these activities outside. *Id.* at 594-95. Hodgson was still able to access these religious items, just not in his cell. *Id.*

These circumstances are substantially different than Mr. Shockley's. First, and most obvious, none of the examples feature religious practice at the moment of the inmate's death. The examples are of situations in an inmate's daily life that implicate his religious practice but not fundamentally change the religious practice of a major event. Mr. Shockley's request is that Summer be able to administer his final Holy Communion and Morgan be able to usher him to the Kingdom of Heaven with her touch and prayer. Denying Mr. Shockley the spiritual advisor of his choice during those crucial final moments of his life alters the entire occasion.

These will be the final times that Mr. Shockley engages in any religious practice in his corporeal form. Forcing him to endure them with a different spiritual advisor would alter quality of the rites because they would lack the spiritual relationship Mr. Shockley has with his daughters. The District Court questions why another spiritual advisor won't suffice. But as the District Court concedes, "ministers are not fungible." R. Doc. 26, at 14. Neither is the spiritual bond between a clergyman and his disciple.

The District Court implies that Mr. Shockley needed to assert that his daughters are the only ministers able or qualified to provide him his religious rites. *Id.* at 16. But

this isn't a requirement. And as the District Court recognized, "ministers are not fungible." *Id.* at 14. So "able" and "qualified" are not enough to make a different spiritual advisor sufficient to administer Mr. Shockley's last religious rites.

The Court also implied that Mr. Shockley needed to claim he had a particularly unique spiritual bond with his daughters. But this isn't required of any other spiritual advisor Missouri has let into the execution chamber or administer communion. The District Court viewed Mr. Shockley's request as family members that want to be spiritual advisors. It started with the premise that the family members need to make some special religious showing that makes them uniquely equipped to serve as their father's spiritual advisors. To be sure, they are and they do possess a particularly unique spiritual bond with Mr. Shockley – they began their spiritual journeys with him as their advisor, and now that Mr. Shockley is in a position to need spiritual guidance, who better than the missionary and ordained minister he trained.

But the District Court should have viewed this the other way: Morgan and Summer are spiritual advisors that happen to be family members. They are qualified under MODOC's own policy and cannot be replaced by any of the alternatives offered. The first alternative offered was that Mr. Shockley could be given the oils and communion materials and he could anoint himself while Summer prayed. But this is effectively leaving Mr. Shockley as his own spiritual advisor and forcing him to substantially change the practice of communion, where the body and blood of Christ are given to the congregant by a minister.

The second alternative would require Mr. Shockley to select a MODOC chaplain to administer communion. But this requires Mr. Shockley to have someone he does not know deliver his religious rites. This forces Mr. Shockley to engage in the final religious practice with a stranger, someone who does not know anything about Mr. Shockley's beliefs.

The third alternative would have Mr. Shockley choose another spiritual advisor that is not an immediate family member, who can have a contact visit and administer the communion materials to him. Again, this alternative requires that Mr. Shockley substantially change his final practice to include someone with whom he has not been engaging in a spiritual relationship with the express purpose of shepherding him to the afterlife.

The last alternative features one of Mr. Shockley's attorneys giving him communion and anointing him with oil. To be clear, none of Mr. Shockley's attorneys are spiritual advisors—neither pursuant to MODOC nor in general. A situation where someone who is not a spiritual advisor in any way being a substitute for a person's actual spiritual advisor cannot suffice as respecting the condemned's religious beliefs.

The alternatives offered to Mr. Shockley do not remedy the substantial burden MODOC's categorical ban inflicts on his right to religious liberty. He is substantially burdened by not having his personal spiritual advisors able to administer him his final Holy Communion and touch him and pray over him while he passes into the afterlife. Morgan and Summer are Mr. Shockley's spiritual guides and precluding them from

service because of their status as family members infringes on Mr. Shockley's free exercise of religion.

- a. **The State cannot survive strict scrutiny because it cannot meet its burden of establishing a categorical ban on family members as spiritual advisors in physical contact with the condemned and in the execution chamber that are the least restrictive means possible to further its compelling state interest.**

MODOC's proposed accommodations pose a substantial burden on Shockley's religious freedoms because they categorically deny him the choice of his chosen spiritual advisor solely based on a familial relationship. MODOC's proposed accommodations – ostensibly made for the purpose of alleviating concerns with a family member being present in the execution chamber – fail to differentiate between family and non-family members serving as spiritual advisors.

- i. The State cannot reasonably distinguish between family member and non-family spiritual advisor concerns without engaging in wild and unsupported speculation as to the potential harms.*

The concerns articulated by MODOC are indistinguishable from the concerns with having anyone present in the execution chamber, not just family members. The district court highlighted many of the concerns articulated by MODOC in its order denying relief. The Court noted:

allowing family members in the execution chamber could create a literal flood of emotions and a veritable flood of danger: emotional outbursts; physical struggles and attempts to interfere with the execution process; recognition of the faces, features, and voices of the officials

charged with carrying out the execution; and later doxing, threatening, or harassing those officials.

R. Doc. 26, at 4. The district court continued offering a myriad of other possible examples of conduct that could potentially interfere with the execution process. *Id.* at 5 (The district court referenced transfer of contraband, tripping into the I.V. line, physical contact impacting the offender’s vital signs, etc.). These examples, though, are indistinguishable from the risks posed by any other spiritual advisor present with the inmate prior to the execution. Notably, these were the same concerns the Court in *Ramirez* found to support the State’s compelling interest in protecting those attending the execution and preventing interference, but the Court found that a categorical ban was not the least restrictive means of assuaging those concerns. 595 U.S. at 431.

MODOC does not articulate a single factor unique to a family member serving in the spiritual advisor role. Instead, MODOC officials speculate that “inadvertent actions become all the more likely when the individual inside the execution chamber has an even closer relationship with the offender, such as a father-daughter relationship.” *Id.* MODOC doesn’t offer any evidence why an accident might occur more frequently with a family member as opposed to any other individual serving in the role. MODOC does not consider that a non-family member spiritual advisor might have “an even closer relationship with the offender.” For instance, Melissa Potts-Bowers, the spiritual advisor in the chamber with Michael Tisius during his 2023 execution had been his spiritual advisor for over twenty years. Bill Tameus, *Witnessing the State Sanctioned Killing*

of Michael Tisius, Flatland (July 30, 2023).<sup>6</sup> Two decades of intense religious connection could be likened to familial relationship, but Ms. Potts-Bowers did not tamper with IV lines, trip over anything in the chamber, smuggle in drugs or a weapon, nor dox any of the execution team. In fact, Ms. Potts-Bowers open tries her best to respect the agreement she signed. *Id.* MODOC relies on speculation to implicate safety and security issues, but these potential harms are unfounded and unsupported and MODOC relies on speculation, but this is an insufficient basis to deny Shockley his right to freely exercise his religion during the execution.

***ii. The State cannot meet its burden for denying Shockley's chosen spiritual advisors because they have nothing in their record nor their past conduct that would prevent them from serving in the role while maintaining the safety and solemnity of the process.***

MODOC's concerns relating to the presence of Morgan in the execution chamber and Summer administering communion are the product of speculation and not any articulable concern about her as an individual. As the district court correctly noted, "No evidence in the record suggests that Shockley's daughters would be disruptive if permitted in the execution room." R. Doc. 2, at 4. Indeed, the State doesn't even attempt to suggest anything in either Morgan or Summer's past behavior in MODOC facilities would raise any concerns. MODOC's concerns are speculative in

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<sup>6</sup> <https://flatlandkc.org/news-issues/witnessing-the-state-sanctioned-killing-of-michael-tisius/> (last visited Oct. 12, 2025)

nature and insufficient for purposes of MODOC meeting its burden. *See Ramirez*, 595 U.S. at 430 (“But there is no indication in the record that Pastor Moore would cause the sorts of disruptions that respondents fear. Respondents’ argument thus comes down to conjecture regarding what a hypothetical spiritual advisor might do in some future case.”) The Court continued, “Such speculation is insufficient to satisfy’ respondents’ burden [] and fails to engage in the sort of case-by-case analysis that RLUIPA requires.” *Id.* (quoting *Fulton v. Philadelphia*, 593 U.S. 522, 542(2021) (referring to strict scrutiny). MODOC cannot meet its burden in this case because its objections to Summer and Morgan are entirely hypothetical.

***iii. The conduct of previous spiritual advisors demonstrates the process for approving and supervising spiritual advisors during an execution may be undertaken with no problems related to the safety of the people involved nor to the solemnity of the process.***

MODOC has allowed spiritual advisors to be present in the execution chamber for more than two years without incident. *See e.g., Missouri death row inmate Kevin Johnson executed for killing police officer in 2005*, Sky News (Nov. 30, 2022)<sup>7</sup> (“However, in a first in modern executions in Missouri, [Kevin] Johnson was not alone when he died. The 37-year-old had his spiritual advisor, the Reverend Darryl Gray, beside him.”). The district court acknowledged the lack of any prior incidents in its Order but referenced specific

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<sup>7</sup> <https://news.sky.com/story/missouri-death-row-inmate-kevin-johnson-executed-for-killing-police-officer-in-2005-12758572> (last visited Oct. 9, 2025)



issues with prior spiritual advisors failing to abide by the terms of their agreements with MODOC by commenting on their individual experiences. R. Doc. 2, at 3-4. While the district court describes these issues as evidence of a “blemished history”, the evidence suggests that the spiritual advisors were careful to maintain the institutional secrecy at the heart of the MODOC agreements. *See* Bill Tameus, *Witnessing the State Sanctioned Killing of Michael Tisius*, Flatland (July 30, 2023)<sup>8</sup>; Gerry Kleba, *On Death Row with Johnny Johnson*, Association of U.S. Catholic Priests (Oct. 25, 2024).<sup>9</sup>

MODOC has required previous spiritual advisors to sign a document preventing the advisors from interfering in the execution process, causing a disruption, and from divulging information learned while serving as a spiritual advisor. R. Doc. 15. The purpose of the agreement is not to divulge confidential information related to the execution process and those participating on behalf of the State. *Id.* While some of the previous spiritual advisors shared portions of their experiences, none of the individuals shared any confidential information that could be used to compromise MODOC’s execution protocol. These reflected their careful adherence to maintaining the State’s interest in safety and security while also sharing their personal experiences praying with a condemned man in his final moments.

***iv. Shockley has not shifted legal positions with respect to his claims of innocence to delay these proceedings.***

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<sup>8</sup> <https://flatlandkc.org/news-issues/witnessing-the-state-sanctioned-killing-of-michael-tisius/> (last visited Oct. 12, 2025)

<sup>9</sup> <https://tinyurl.com/9ywmbwvh> (last visited Oct. 11, 2025)

The district court repeatedly alleged that Shockley has shifted positions related to his claims of innocence seemingly to obtain a stay of execution. R. Doc. 26, at 17-18. The district court expresses doubt regarding the sincerity of Shockley’s pursuit of his spiritual advisor accommodations in part based on his “inconsistent (and that’s being mild) representations to various courts[.]” *Id.* at 18. Shockley has not changed positions nor argued inconsistently regarding his innocence. Indeed, the arguments to the state and federal courts reflect the fundamental differences between federal habeas claims and his pursuit of state court DNA testing.

The district court is correct in noting that Shockley did not raise a freestanding claim of innocence in the habeas proceedings. R. Doc. 26, at 17. The Supreme Court, though, has made clear that “[c]laims of actual innocence based on newly discovered evidence have never been held to state a ground for federal habeas relief absent an independent constitutional violation occurring in the underlying state criminal proceeding.” *Herrera v. Collins*, 506 U.S. 390, 400–01 (1993). This approach is based on the idea that “that federal habeas courts sit to ensure that individuals are not imprisoned in violation of the Constitution—not to correct errors of fact.” *Id.*; *See, e.g., Moore v. Dempsey*, 261 U.S. 86, 87-88 (1923) (Holmes, J.) (“[W]hat we have to deal with [on habeas review] is not the petitioners' innocence or guilt but solely the question whether their constitutional rights have been preserved”). Shockley did not have the evidentiary support to raise a habeas claim of innocence based on the state court record. This decision was a function of the nature of the State’s case – built entirely on circumstantial

evidence – and the lack of state court evidentiary development to support the habeas claim. Nevertheless, Shockley did challenge the State’s evidence and theories in several claims presented to the district court. *See Shockley v. Vandergriff*, 19-cv-02520-SRC (Doc. 48)(Claims 7-11). These claims were raised as ineffective assistance of counsel claims under the Sixth and Fourteenth amendments. Each of these claims went to the State’s theory of culpability even though they were not raised as “innocence” claims in the briefing.

Shockley’s claims of innocence made to the Missouri state courts are not inconsistent with his federal court habeas positions. Shockley has always denied responsibility for the tragic murder of Sgt. Graham. Shockley entered a not guilty plea and proceeded to trial in Carter County, Missouri. He has challenged both his conviction and sentence at every level of the state and federal courts and has not once changed his position with respect to his lack of culpability. Shockley’s pursuit of DNA testing in the Missouri state courts necessarily requires he address the issue of innocence head on. *See* Rev. Mo. Stat. § 547.035 (“A person in the custody of the department of corrections claiming that forensic DNA testing will demonstrate the person's innocence of the crime for which the person is in custody may file a postconviction motion in the sentencing court seeking such testing.”) Shockley expressly claimed innocence in the Missouri state court proceedings because that is required to meet the statutory requirements.

**3. Shockley will be irreparably harmed if this Court does not reverse the denial of his request for a preliminary injunction and grant a stay of execution.**

Here, where Mr. Shockley's freedom to engage in well-established religious practice as he dies is at issue, MODOC's denial of his spiritual advisors clearly presents irreparable harm. *See generally Wainwright v. Booker*, 473 U.S. 935, 935 n.1 (1985) (irreparable injury "is necessarily present in capital cases.").

It is well-established in most federal courts, and certainly in this Court that irreparable harm occurs any time a petitioner's First Amendment rights are violated. *See, e.g., Beussink v. Woodland R-IV Sch. Dist.*, 30 F. Supp. 2d 1175, 1180-81 (E.D. MO 1998) ("Irreparable harm is established *any* time a movant's First Amendment rights are violated.") (citing *Marcus v. Iowa Pub. Tele.*, 97 F.3d 1137, 1140-41 (8th Cir. 1996) (emphasis in original)); *Kirkeby v. Furness*, 52 F.3d 772, 775 (8th Cir. 1995) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.") (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). As detailed above, MODOC's refusal to allow Morgan to serve as Mr. Shockley's spiritual advisor during his execution and Summer to administer communion and anoint him with oils violates his religious liberty under the Free Exercise Clause of the First Amendment, automatically establishing irreparable harm.

If injunctive relief is not granted to ensure Morgan can be present in the execution chamber and Summer to administer rites as the Supreme Court and the

Constitution permitted them to do, Mr. Shockley will be unable to engage in protected religious exercise in the final moments of his worldly life; compensation paid to his estate would absolutely not remedy this harm, which is spiritual rather than pecuniary. *See Ramirez*, 595 U.S. at 433. Indeed, because a stay of execution is an equitable remedy, Shockley has no adequate remedy at law. *See, e.g., Nooner v. Norris*, 491 F.3d 804, 807 (8th Cir. 2007); *see also Timberlake v. Buss*, No. 1:06-cv-1859-RLY-WTLI, 2007 WL 2316451 (S.D. Ind. June 12, 2007).

As a devout follower of Christ, Mr. Shockley's passage from this world into the next is a critical moment in his journey to the heavenly kingdom and eternal life. It is necessary for his spiritual advisors to be with him to counsel and guide him as he goes. The First Amendment and the RLUIPA recognize the importance of such religious practices and enforce Mr. Shockley's right and freedom to engage in them.

Denying Mr. Shockley religious guidance and spiritual aid in his final moments is undoubtedly an irreparable harm.

#### **4. The public's interest lies in judicial enforcement of religious freedom.**

The public's interest would be served by granting Mr. Shockley's religious requests. The public has an interest in ensuring state actors respect the religious rights of all persons and protect all rights granted to the public under the U.S. Constitution. A public denial of a person's constitutional right to the free exercise of religion is a threat to everyone's protections under the Constitution.

Furthermore, executions are carried out in the name of the people of Missouri. It is in the public's interest that executions done on their behalf be lawful. Religious liberties are of critical importance to the people of Missouri, *see, e.g.*, Mo. Const., art I, § 5; Missouri Religious Freedom Restoration Act, Mo. Rev. Stat. § 1.302, and the people of the state have a strong interest in ensuring religious freedom is held in the utmost regard. The State must not be allowed to tread on the religious freedoms of *any* Missourian.

As the petition describes in detail, the religious freedom questions under the RLUIPA and the First Amendment are issues of great public importance. Both Congress and this Supreme Court have recognized the importance of protecting that liberty even for, and maybe especially for, the condemned.

## CONCLUSION

For the foregoing reasons, Mr. Shockley respectfully requests that this Court reverse the decisions of the District Court and grant a stay of Mr. Shockley's execution.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2025, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system and sent it via email to Gregory Goodwin, Office of Missouri Attorney General, at [gregory.goodwin@ago.mo.gov](mailto:gregory.goodwin@ago.mo.gov).

/s/ Jeremy S. Weis  
Jeremy S. Weis  
Attorney for Lance Shockley



**IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

|                        |   |                                |
|------------------------|---|--------------------------------|
| LANCE C. SHOCKLEY,     | ) |                                |
|                        | ) |                                |
| Appellant,             | ) |                                |
|                        | ) |                                |
| v.                     | ) | Case No. 25-3024               |
|                        | ) |                                |
|                        | ) | <b>Capital Case</b>            |
| RICHARD ADAMS, et al., | ) | <b>Execution Set for</b>       |
|                        | ) | <b>6 p.m. October 14, 2025</b> |
| Appellees.             | ) |                                |

**OPPOSITION TO APPLICATION FOR STAY**

Until now, the Missouri Department of Corrections has never refused an inmate’s designation of a spiritual advisor for an execution proceeding. R. Doc. 2-13 at 2. The Department broke with its historic practice because Lance Shockley made an unprecedented, eleventh-hour request: Shockley wants *his daughter* in the execution chamber with him as his spiritual advisor. *Id.*

But the Supreme Court recognized in *Bucklew v. Precythe*, 587 U.S. 119 (2019), common sense dictates that “relatives” of an inmate “obviously would not be allowed into the chamber itself.” *Id.* at 150 n.5. Any reasonable person understands that immediate family members pose unique risks to several “compelling governmental interest[s].”

*Ramirez v. Collier*, 595 U.S. 411, 427 (2022). That includes risks to: (1) the Department’s “compelling interests in both protecting those attending an execution and preventing them from interfering with it”; (2) the Department’s “compelling governmental interest” in preventing “interference with the prison’s IV lines”; (3) its “compelling governmental interest” in “maintaining solemnity and decorum in the execution chamber”; and (4) its “compelling interest in monitoring an execution and responding effectively during any potential emergency.” *Id.* at 429, 431–32. To preserve these compelling interests using the narrowest means, the Department has informed Shockley that he may select *any* spiritual advisor so long as they are not an immediate family member. R. Doc. 2-13.

Shockley rejected this offer, claiming that the Supreme Court’s *Ramirez* decision gives him a right to have his daughter with him in the chamber. But Shockley does not seek a straightforward application of *Ramirez*. He wants an untenable extension. Neither the First Amendment nor RLUIPA<sup>1</sup> mandate that result.

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<sup>1</sup> The Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1.

## BACKGROUND

Shockley filed this action in federal court on October 9, 2025—two business days before his scheduled execution on October 14, 2025. Over twenty years ago, Shockley murdered Missouri Highway Patrol Sergeant Carl DeWayne Graham, Jr. As Sergeant Graham exited his patrol vehicle after work, Shockley shot him with a high-powered rifle. *State v. Shockley*, 410 S.W.3d 179, 183 (Mo. 2013). The bullet entered Sergeant Graham’s back and exited near his neck. *Id.* Sergeant Graham fell to the pavement, fracturing his skull, and Shockley approached and shot the still-living Sergeant Graham in the face and shoulder twice with a shotgun. *Id.* A jury convicted Shockley of first-degree murder in 2009, and a court subsequently imposed a sentence of death. *Id.* at 185–86.

Shockley unsuccessfully challenged his conviction and sentence on direct appeal. *See State v. Shockley*, 410 S.W.3d at 179. Then, he unsuccessfully sought post-conviction relief in state court. *Shockley v. State*, 579 S.W.3d 881 (Mo. 2019). Shockley then filed for extraordinary post-conviction relief under *Hurst v. Florida*, 577 U.S. 92 (2016), which the Missouri Supreme Court denied.

Next, he unsuccessfully sought habeas relief in the federal courts. *See, e.g., Shockley v. Crews*, No. 24-1024, 2024 WL 3262022 (8th Cir. Apr. 2, 2024). Shockley then unsuccessfully sought post-conviction relief a second time. *See State v. Shockley*, No. SC90286 (Mo. Oct. 8, 2025) (denying stay of execution). The United States Supreme Court denied every one of Shockley’s certiorari petitions. Shockley has a reputation for delay. *Shockley v. Crews*, 696 F. Supp. 3d 589, 620 (E.D. Mo. 2023) (“Shockley has intentionally delayed this Court’s proceedings”); Show Cause Order at 1, Doc. 76, *Shockley v. Crews*, 4:19-CV-02520-SRC (E.D. Mo. Sept. 29, 2023); R. Doc. 26 at 14, *Shockley v. Adams et al.*, 4:25-cv-01513-SRC (E.D. Mo. Oct. 11, 2025).

This action—filed in district court three days ago—is Shockley’s latest attempt to delay. The Missouri Supreme Court issued a warrant for Shockley’s execution nearly four months ago. Execution Warrant, *State v. Shockley*, No. SC90286 (Mo. Jun. 18, 2025). At that time, under the Department’s written procedures, Shockley was classified as “Pre-Execution Status.” R. Doc. 7-3 at 1, § II.A. A practical impact of this classification is that “all visits,” with a minor exception for legal visits, “shall be non-contact (behind glass).” *Id.* at 2, § III.C(2)(c).

Despite the policy, Shockley has designated his daughters—Morgan and Summer—as his spiritual advisors, and he demands in-person contact with them shortly before—and during—his execution.

First, Shockley wants his daughter Morgan to be present in the execution chamber with him at the moment of his execution.<sup>2</sup> On August 21, 2025, the Department informed Morgan that immediate family members are ineligible to be spiritual advisors. R. Doc. 2-4 at 2. Two weeks later, Morgan appealed, citing a broadly applicable 2016 Policy that governs “spiritual advisor visits” for “all” inmates, instead of the Policy that governs pre-execution inmates. R. Doc. 2-1 at 1, D5-3.3(I)(B). The Policy contemplates that “immediate family member[s]” might sometimes serve as spiritual advisors, *see id.* at 2, D5-3.3(III)(B)(2)(a), but the Policy also provides that a spiritual advisor’s application may be denied “based on safety and security issues,” *id.* at 3, D5-3.3(III)(B)(2)(c),

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<sup>2</sup> Shockley has told this Court that he desires Morgan Shockley to “touch and pray over him.” App. at 17, 3, 12, 16, 21, 22, 24. But “touch” was never a component of Shockley’s request to the Department—his request was merely for Morgan to “pray with [Shockley] in the chamber . . . .” R. Doc. 15-1 at 21. Likewise, Shockley told the Department he wanted Morgan and Summer to administer communion to him, but he tells this Court that he only wants Summer to administer communion. *Compare* App. at 22, *with* R. Doc. 15-1 at 21.

(h)(2). Citing the broad provision referencing “immediate family” acting as a “spiritual advisor,” Morgan’s appeal argued that the Department erred in denying her request. R. Doc. 2-4 at 1. The Department denied Morgan’s appeal. The Department communicated the denial to Shockley’s counsel on September 26, 2025—nearly *two weeks* before Shockley filed this action on October 9, 2025.

Second, Shockley argues that he has a right to an in-person, pre-execution meeting with his daughters in which they will act as his spiritual advisors by administering communion and anointing oil. Shockley first requested this accommodation on October 2, 2025—just twelve days before his execution. R. Doc. 15-1 at 21. Likewise, October 2 is the first time Shockley requested that his daughter be permitted in the execution chamber. R. Doc. 15-1 at 21. Indeed, on September 11, Shockley conceded that he did not know “who he would have present at the execution should it proceed.” R. Doc. 15-1 at 4.

Like Morgan, Summer applied to act as Shockley’s spiritual advisor, and the Department denied that application on August 12, 2025. R. Doc. 2-11. Summer waited until October 7, 2025—just two days before this suit—to initiate an appeal within the Department. *See* R. Doc. 15-2

¶ 9. The Department denied Summer’s appeal the next day on October 8, *id.*, and Shockley filed this action in federal district court on October 9—two business days before his execution, R. Doc. 1.

The Department also expeditiously responded to the October 2 request for in-person administration of communion and anointing oil. The Department responded with a formal memorandum on October 6 and email on October 7. R. Doc. 7-1; R. Doc. 2-13. In the October 6 memorandum, the Department affirmed its intention to “grant as much of the request [for a pre-execution meeting] as possible while still preserving institutional safety and security.” R. Doc. 7-1 at 2. But as required by the Department’s longstanding policy for pre-execution visits, R. Doc. 7-3 at 2, § III.C(2)(c), Shockley’s daughters cannot have a contact visit with Shockley shortly before the execution. That said, Shockley’s daughters can participate in a non-contact visit (behind glass), in which they may pray and read scripture while a clergy member, (non-family) spiritual advisor, or Shockley’s attorney physically administers communion and anointing oil to Shockley. R. Doc. 7-1 at 2–3. The Department also offered Shockley an additional accommodation: two

more witness seats beyond the five seats required by statute so that Morgan and Summer may be present at the execution. *Id.* at 4.

Even so, Shockley filed this action on October 9, 2025. The district court ordered expedited briefing. R. Doc. 17. On October 11, 2025, the district court dismissed Shockley’s complaint and denied his motion for stay and preliminary injunction. The Court explained that its denial was based on three findings: *first*, that the Department’s proposed accommodations do not significantly burden Shockley’s religious exercise; *second*, that the Department’s proposed accommodations are narrowly tailored to achieve a compelling state interest; and *third* that Shockley has unreasonably delayed in bringing his suit—as part of a broader pattern of delay through litigation.

### STANDARD OF REVIEW

This Court reviews a district court’s denial of a preliminary injunction and stay of execution for abuse of discretion. *Jones v. Kelley*, 854 F.3d 1009, 1013 (8th Cir. 2017). “An abuse of discretion occurs where the district court rests its conclusion on clearly erroneous factual findings or erroneous legal conclusions.” *Id.* (quoting *Powell v. Noble*, 798 F.3d 690, 697 (8th Cir. 2017)). A stay of execution is an equitable remedy that



is unavailable as a matter of right. *Hill v. McDonough*, 547 U.S. 573, 584 (2006). A request for a stay of execution must meet the standard requirements for all other stay applications. *Id.* That requires assessing: (1) whether the movant has shown “a significant possibility of success on the merits”; (2) the threat of irreparable harm absent a stay; (3) the balance between harm to the movant absent the stay and the injury inflicted on other interested parties if the stay is granted; and (4) the public interest. *See id.*

Additionally, a movant’s inequitable delay provides another independent basis for denying a stay. *Bucklew*, 587 U.S. at 150. Courts have “a strong equitable presumption against the grant of a stay where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay.” *Hill*, 547 U.S. at 584 (quotation omitted).

## ANALYSIS

Shockley fails to show that the district court abused its discretion.<sup>3</sup> While all of the arguments that Respondents raised below provide a

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<sup>3</sup> Shockley has placed facts in his stay application that were never provided to the district court or the Department. For instance, Shockley now claims that he has a special spiritual relationship with his

sufficient basis to affirm, *see* R. Doc. 15; R. Doc. 16; R. Doc. 23, three points stand out. *First*, Shockley failed to prove that any of the Department’s policies impose a “substantial burden” on his religious beliefs. *Ramirez*, 595 U.S. at 424–25. *Second*, even if the Department did substantially burden his religious beliefs, the Department’s accommodations are narrowly tailored and further compelling governmental interests. That is why the Supreme Court acknowledged that a death-row inmate’s “relatives” “obviously would not be allowed into the chamber itself.” *Bucklew*, 587 U.S. at 150 n.5. And that is why this is the first time that the Department has *ever* refused the designation of a spiritual advisor for execution proceedings. R. Doc. 2-13 at 2. *Third*, Shockley’s inequitable delay is sufficient—on its own—to deny his motion for stay.

**I. The district court did not abuse its discretion in analyzing the stay factors.**

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daughters. *Compare* App. at 23 *with* Doc. 1 (complaint) *and* Doc. 15-1 (emails). As this Court has explained, Shockley cannot modify his claim on appeal. *Zink v. Lombardi*, 783 F.3d 1089, 1109 (8th Cir. 2015) (en banc). Shockley is attempting to rectify deficiencies that the district court identified as a basis for its decision.

**A. Shockley failed to show a likelihood of success on the merits because the Department's accommodation poses no substantial burden on his religious beliefs.**

To trigger heightened scrutiny, Shockley “must” demonstrate that the Department has imposed a “substantial burden” on his religious exercise.<sup>4</sup> *Ramirez*, 595 U.S. at 424–25. Shockley fails to make this showing. As to Shockley’s request for a spiritual advisor in the execution chamber, the Department has repeatedly told Shockley that it will accommodate any qualified spiritual advisor of his choice so long as the spiritual advisor is not an immediate family member. R. Doc. 2-13; R. Doc. 7-1. The Department likewise has also offered a pre-execution meeting where Shockley’s daughters are present and able to assist in administering of communion and anointing oil while remaining behind glass. R. Doc. 2-13; R. Doc. 7-1.

This dispute has nothing to do with Shockley’s ability to engage in a religious exercise, including with a qualified spiritual advisor from Shockley’s faith. *See* R. Doc. 2-13; R. Doc. 7-1. The Department did not

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<sup>4</sup> In his stay application, Shockley attempts to reduce the required showing from “substantial burden” to “implicate.” App. at 17. But Shockley’s citation to *Ramirez* is incomplete because it omits the further requirement that “The burden on the prisoner’s religious exercise must also be “substantial[ ].” *Ramirez*, 595 U.S. at 425 (citations omitted).

deny Shockley’s request because his spiritual advisor comes from a disfavored religion, *see Murphy v. Collier*, 587 U.S. 901 (2019), or because he wants his spiritual advisor to provide forbidden “prayer accompanied by touch” during the execution, *Ramirez*, 595 U.S. at 425. Shockley’s request was denied because the *only* spiritual advisors that he will accept are his daughters. R. Doc. 2-13; R. Doc. 7-1.

The district court rightly held that Shockley failed to identify a substantial burden on his religious practice. In particular, the district court found that Shockley failed to allege—let alone substantiate—(1) that his daughters are the only acceptable spiritual advisors; (2) that his daughters are the only ministers able or qualified to provide the religious sacraments and rituals he seeks; and (3) that the accommodations offered by prison officials substantially burden, or burden at all, his exercise of religion. R. Doc. 26 at 15–16. As the district court explained, Shockley “leaves [all these essential facts] to be assumed.” R. Doc. 26 at 16.

Shockley cites no case holding that a death-row inmate’s religious exercise is “substantially burdened” if he cannot have a specific spiritual advisor. Rather, the Supreme Court has merely held that States cannot categorically exclude spiritual advisors from particular faiths, such as

Buddhism. *See Murphy*, 587 U.S. at 901. But no Justice has ever suggested that a Buddhist inmate has a right to demand that the Dalai Lama himself serve as a spiritual advisor. Of course, a prison could reject that request without imposing a substantial burden on the inmate's religious exercise. Likewise here, Shockley may have a spiritual advisor of his choosing, just not an immediate family member, with him in the execution chamber. R. Doc. 2–13 at 1. The Department remains willing to allow any other qualified spiritual advisor into the execution chamber. Shockley therefore fails to prove a “substantial burden” on his religious exercise. *Ramirez*, 595 U.S. at 425.

The district court reached these same conclusions. As the district court explained, “the Court finds that the Department’s accommodation of allowing Shockley to ‘designate a spiritual advisor *who is not related to Mr. Shockley*’ to administer communion and anointing, R. Doc. 2-13 at 1 (emphasis in original), does not substantially inhibit or constrain Shockley’s conduct or expression of his religious beliefs.” R. Doc. 26 at 14 (citing *Patel v. United States Bureau of Prisons*, 515 F.3d 807, 813 (8th Cir. 2008)). As additional, alternative findings, the district court further explained that the Department’s accommodations do not “prevent him

from expressing adherence to his faith.” R. Doc. 26 at 14 (citing *Patel*, 515 F.3d at 813). And the court found that the accommodations did not “deny [Shockley] the ability to engage in his preferred religious activities.” R. Doc. 26 at 14 (citing *Patel*, 515 F.3d at 813). Thus, the court found that the Department’s decision does not constitute a “substantial burden” on Shockley’s free exercise of religion under RLUIPA. R. Doc. 26 at 14.

**B. Shockley failed to show a likelihood of success on the merits because the Department’s accommodation is narrowly tailored and furthers several compelling governmental interests.**

In any event, even if heightened scrutiny applies, the Department’s accommodation satisfies it. Its decision protects institutional safety, prevents interference with the execution, and guards the solemnity and dignity of the execution. These interests are all independently compelling. *Ramirez*, 595 U.S. at 429, 431–32. As the Department explained in an email to Shockley’s counsel, “during the time the spiritual advisor is present in the chamber,” *only* the spiritual advisor and offender are in the execution chamber. R. Doc. 2-13 at 2 (emphasis added). Therefore, “[t]he ability of a family member to interfere with the execution by, for instance, tampering with the IV lines is great, and the Department’s ability to prevent such interference is zero.” R. Doc. 2-13 at

2; *see also* R. Doc. 15-2 ¶ 10 (Division Director Myles Strid discussing risks). Pre-execution contact visits with family members also pose obvious safety risks. That is why the Department’s longstanding policy—broadly applicable to all death-row inmates—requires pre-execution status inmates to be in maximum-security housing. R. Doc. 7-3 at 1, § III.A(2). And that is why the Department’s longstanding policy forbids *all* direct contact visits in such a secure location—giving visitors the option of only non-contact visits (behind glass). *Id.* at 2, § III.C(2)(c). And this makes sense, as the district court agreed. R. Doc. 2-13 at 2. After all, family would have an enormous incentive to interfere with the execution. *Id.*

The Department’s decision to abide by its longstanding policy—based on decades of experience from many prison officials—warrants respect from the judiciary. Indeed, “issues of prison management are . . . peculiarly ill-suited to judicial resolution,” and “courts should be loath to substitute their judgment for that of prison officials and administrators.” *Hamilton v. Schriro*, 74 F.3d 1545, 1550 (8th Cir. 1996) (quotation omitted). This should especially be the case when a prison is acting in accordance with its thoughtfully-considered and longstanding

safety procedures. *See Hudson v. McMillian*, 503 U.S. 1, 6 (1992) (“Prison administrators should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security.” (cleaned up, quotation omitted)). In making its determination denying the preliminary injunction, the district court, while still exercising its independent judgment, found that the Department and its “legal team have meaningfully engaged in dialogue with Shockley to find reasonable accommodations of his requests.” R. Doc. 26 at 6.

Turning to narrow tailoring, Shockley argues that the Department disregarded that his daughters are respectful, law-abiding persons who have never interfered with security while visiting him in prison. He also claims that the Department’s concerns could be avoided by requiring Shockley’s daughters to sign a penalty-backed pledge promising not to interfere. But, as the district court recognized, R. Doc. 26 at 3, the Department’s experience with past executions proves that penalty-backed pledges have little impact, even when the spiritual advisor is not a family member. *See* R. Doc. 15-2 ¶ 11; R. Doc. 15-4 ¶ 4 (in Missouri,



“five of [] seven spiritual advisors violated pledges and interview statements substantially similar to the suggestions Lance Shockley references in his complaint.”).

And even aside from past disregard of pledges, Shockley’s argument misses the point: immediate family members are unique. If given the opportunity, even law-abiding citizens would be hard pressed not to interfere with the execution of their loved one. Recall also that at the moment of the execution, the spiritual advisor is alone with the inmate in the execution chamber, R. Doc. 2-13—making “interference with the prison’s IV lines” easy. *Ramirez*, 595 U.S. at 431 (“[P]risons have compelling interests in both protecting those attending an execution and preventing them from interfering with it.”). At the very least, the presence of the immediate family member in the chamber is quite likely to harm the State’s “compelling governmental interest” in “maintaining solemnity and decorum in the execution chamber.” *Ramirez*, 595 U.S. at 432. *Bucklew* stated that “relatives” “obviously would not be allowed into the chamber itself.” 573 U.S. at 150 n.5.

Again, this is the first time the Department has ever refused an inmate’s request for a designated spiritual advisor during an execution.

R. Doc. 2-13 at 2. Indeed, no lesser restriction can adequately guard the Department's compelling interests. And the district court agreed, finding that, for instance, a written pledge would be insufficient when "over 70% [of recent spiritual advisors] have violated their written pledges." R. Doc. 26 at 3 (citing R. Doc. 15-4 at 1). In his stay application, Shockley contends that these spiritual advisors did not violate their signed agreements "to keep confidential *all information* that I observe or learn . . ." because the spiritual advisors only disclosed information that Shockley does not find important. *Compare* App. at 29 *with* R. Doc. 14-1 at 1, ¶1 (signed spiritual advisor agreements). Shockley's argument is misplaced.

As to the request for a contact visit shortly before the execution, the Department has gone to great lengths to accommodate Shockley. In fact, as explained by the district court, R. Doc. 26 at 12, the Department gave Shockley *four* alternatives:

- (1) Department clergy to provide the communion materials and anointing oil to Mr. Shockley for his own, personal administration;
- (2) the Department will allow Department clergy (of Mr. Shockley's choosing) to administer the communion materials and anointing oil;
- (3) the Department will allow Mr. Shockley to designate a spiritual advisor *who is not related to Mr. Shockley*, to have a contact visit and administer the communion materials and anointing oil; or
- (4)

the Department will allow one of Mr. Shockley's attorneys to administer the communion materials and anointing oil.

R. Doc. 2-13 at 1 (emphasis in the original). Importantly, in each of these four scenarios, the Department expressly stated that “Mr. Shockley’s daughters may be present on the non-contact side of the visiting area, and they would be permitted to lead the spiritual ritual/proceeding and to provide direction to the person on the contact side of the visiting area.”

R. Doc. 2-13 at 1. That is the least restrictive means available to guard the Department’s compelling interests. And the district court concurred, holding that “Respondents’ proposed accommodations demonstrate not hostility towards religion but appropriate respect for it, and they strike a constitutionally permissible balance between Shockley’s First Amendment and RLUIPA rights and the government’s ‘compelling interest in preventing disruptions of any sort and maintaining solemnity and decorum in the execution chamber.’” R. Doc. 26 at 19–20 (quoting *Ramirez*, 595 U.S. at 430).

As noted above, Shockley does not seek a straightforward application of *Ramirez* and *Murphy*. He seeks a dramatic extension. Shockley insists on a specific spiritual advisor—his daughter—to be present with him in the execution chamber. For obvious reasons, no court

has ever held that an inmate has a right, under the Free Exercise Clause or RLUIPA, to have their daughter in the execution chamber with them. Accordingly, the district court declined “Shockley’s invitation to extend *Ramirez* beyond its holding.” R. Doc. 26 at 16–17. Shockley therefore failed to prove a likelihood of success on the merits.

**C. The balance of harms between Shockley and other interested parties weighs heavily against the issuance of a stay.**

The State of Missouri, the crime victims—for whom the case has gone on for decades without resolution—and the criminal justice system are all harmed by the never-ending litigation of meritless claims. *See Bucklew*, 587 U.S. at 149–50; *see also Wainwright v. Sykes*, 433 U.S. 72, 90 (1977) (emphasizing that the criminal trial is “a decisive and portentous event” that should be the “main event” in a criminal case, “rather than a ‘tryout on the road’” for later litigation). This harm far outweighs any injury to Shockley, who is not harmed by the denial of a stay in meritless litigation. “Only with real finality can the victims of crime move forward knowing the moral judgment will be carried out.” *Shinn v. Ramirez*, 596 U.S. 366, 376 (2022) (quoting *Calderon v. Thompson*, 523 U.S. 538, 556 (1998)). “To unsettle these expectations is

to inflict a profound injury to the powerful and legitimate interest in punishing the guilty, an interest shared by the State and the victims of crime alike.” *Id.* (quoting *Calderon*, 523 U.S. at 556). Shockley cannot demonstrate that the harms, on balance, are in his favor. Instead, the balance of the harms here weighs heavily in favor of denying the stay.

**D. The public interest is in finality and the performance of the State’s lawful and long-delayed criminal judgment.**

“Both the State and the victims of crime have an important interest in the timely enforcement of a sentence.” *Bucklew*, 587 U.S. at 149 (quoting *Hill*, 547 U.S. at 584). “Those interests have been frustrated in this case.” *Id.* Shockley has exhausted nearly every state and federal avenue for review. And every time, Shockley’s claims have been found to be meritless. Shockley has attempted to secure delay through lawsuit after lawsuit. *See Bucklew*, 587 U.S. at 149. “The people of Missouri, the surviving victims of [Shockley’s] crimes, and others like them deserve better.” *Id.*

Now, at the last minute, Shockley seeks even more delay to raise meritless claims. The public interest lies in the lawful judgment of the State being carried out without additional delay. Shockley is guilty of

first-degree murder, a court sentenced him to death. This is now his seventh attempt at delaying the execution of Missouri’s lawful sentence. As the district court pointed out, it was dismayed that Shockley is now proclaiming innocence after Shockley did not meaningfully contest his guilt in his 820 pages of habeas briefing. R. Doc. 26 at 17–18. This Court, like the district court, should “question Shockley’s *motivations* for pursuing last-minute, and last-ditch, litigation seeking to stay execution.” R. Doc. 26 at 18 (emphasis in original). This Court should not delay the execution of the State’s lawful judgment any longer.

**II. Shockley’s inequitable delay provides another independent basis to deny a stay.**

Even if this Court believes that Shockley satisfies all the traditional stay elements, then there is another independently sufficient basis to deny a stay: inequitable delay. Recently, the Supreme Court has reaffirmed in several cases that “late-breaking changes in position, last-minute claims arising from long-known facts, and other ‘attempt[s] at manipulation’ can provide a sound basis for denying equitable relief in capital cases.” *Ramirez*, 595 U.S. at 434 (brackets in original) (quotation

omitted); see *Bucklew*, 587 U.S. 150 n.5, 151.

For example, in *Dunn v. Ray*, 586 U.S. 1138 (2019), the Supreme Court vacated the Eleventh Circuit’s stay of execution solely because of “the last-minute nature” of the inmate’s stay application. *Id.* at 1138. (quotation omitted). The Court explained that the inmate’s execution had been scheduled for three months, but the inmate waited until fifteen days before the date of his execution to seek relief. *Id.* Later, in *Bucklew*, the Supreme Court cited *Dunn* as a prime example where a “delay implicated the ‘strong equitable presumption’ that no stay should be granted ‘where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay.’” *Bucklew*, 587 U.S. 150 n.5 (quoting *Hill*, 547 U.S. at 584).

Shockley’s delay is worse than the delay in *Dunn*. Shockley’s execution was scheduled nearly four months ago. Execution Warrant, *State v. Shockley*, No. SC90286 (Mo. Jun. 18, 2025). On September 26, 2025, the Department informed Shockley’s counsel that it denied Morgan’s appeal to serve as Shockley’s spiritual advisor. R. Doc. 1 at 9, ¶ 34. Yet Shockley waited to file this action until two weeks later on

October 9, 2025. *See* R. Doc. 1 at 9, ¶ 34. That is just two business days before the execution.

Shockley's delay as to the pre-execution contact visit is also inexcusable. Shockley first informed the Department on October 2, 2025, that he wanted a pre-execution visit, with his daughters administering communion and anointing oils. This last-minute request is contrary to the Department's longstanding policy that pre-execution inmates are not entitled to in-person, contact visits. R. Doc. 7-3 at 2, § III.C(2)(c). Accordingly, the Department issued a formal denial of that request on October 6, 2025, R. Doc. 7-1, and Shockley then waited until October 9 to file this suit, R. Doc. 1.

Shockley's delay is "unexplained [] and unexplainable []," and it is a sufficient basis to deny his request for a stay. Order at \*5, *State v. Shockley*, No. SC90286 (Mo. Oct. 8, 2025). This is also part of a larger pattern of delay. As several courts, have observed, including the district court, Shockley has repeatedly engaged in a litigation strategy designed to delay. *See Shockley v. Crews*, 696 F. Supp. 3d 589, 620 (E.D. Mo. 2023) ("Shockley has intentionally delayed this Court's proceedings"); Show Cause Order at 1, Doc. 76, *Shockley v. Crews*, 4:19-CV-02520-SRC (E.D.



Mo. Sept. 29, 2023); Order at \*2, \*5–\*6, *State v. Shockley*, No. SC90286 (Mo. Oct. 8, 2025) (denying stay of execution); R. Doc. 26 at 14.

Again, “[b]oth the State and the victims of crime have an important interest in the timely enforcement of a sentence.” *Bucklew*, 587 U.S. at 149 (quoting *Hill*, 547 U.S. at 584). Shockley murdered Sergeant Graham twenty years ago. He has exhausted nearly every state and federal avenue for review, and every reviewing court has rejected his claims. See Order at \*1, *State v. Shockley*, No. SC90286 (Mo. Oct. 8, 2025) (denying stay of execution and describing all of Shockley’s failed attempts).

The evidence supporting Shockley’s conviction was “strong.” *Shockley*, 410 S.W.3d at 183–85, 202. The State of Missouri moved to set an execution date on March 31, 2025. See Mot., *State v. Shockley*, SC90286 (Mo. Mar. 31, 2025). On June 18, 2025, the Missouri Supreme Court granted the motion and scheduled Shockley to be executed on October 14, 2025. Execution Warrant, *State v. Shockley*, SC90286 (Mo. June 18, 2025). Shockley nevertheless inexcusably delayed—waiting until the eleventh hour to raise the matters at issue in this action.

On this record, it appears that delay for the sake of delay is Shockley’s goal. The district court found that Shockley could have

brought this suit sooner, but instead “he chose to wait to bring it until after he made other last-ditch attempts to stay his execution.” R. Doc. 26 at 18–19 (citing Order, *State v. Shockley*, No. SC90286 (Mo. Oct. 8, 2025)). But “[t]he people of Missouri, the surviving victims of [Shockley’s] crimes, and others like them deserve better” than Shockley’s delay tactics. *Bucklew*, 587 U.S. at 149. The strong equitable presumption against granting a stay for litigation that could have been completed without a stay if timely filed should be enforced here. *See Hill*, 547 U.S. at 584.

### CONCLUSION

This Court should deny the application for stay of execution.

Respectfully submitted,

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## **Certificates of Compliance and Service**

I hereby certify:

1. This document complies the word limit of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 5,185 words, which is less than the 5,200 words allowed by Fed. R. App. P. 27(d)(2)(A).

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3. This document was electronically filed through the CM/ECF system on this 12 day of October, 2025, and counsel for Mr. Shockley was served thereby.

/s/ Gregory M. Goodwin  
Chief Counsel, Public Protection

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

|                                 |   |                                      |
|---------------------------------|---|--------------------------------------|
| <b>LANCE SHOCKLEY,</b>          | ) |                                      |
| <i>Appellant,</i>               | ) |                                      |
|                                 | ) |                                      |
| v.                              | ) | Case No. 25-3024                     |
|                                 | ) |                                      |
| <b>RICHARD ADAMS</b>            | ) |                                      |
| Warden,                         | ) | <b>DEATH PENALTY CASE</b>            |
| Eastern Reception and           | ) | <b>EXECUTION SCHEDULED</b>           |
| Diagnostic Correctional Center; | ) | <b>OCTOBER 14, 2025, 6:00 PM CST</b> |
|                                 | ) |                                      |
| <b>HEATHER COFER</b>            | ) |                                      |
| Warden,                         | ) |                                      |
| Potosi Correctional Center;     | ) |                                      |
|                                 | ) |                                      |
| <b>MYLES STRID</b>              | ) |                                      |
| Director,                       | ) |                                      |
| Division of Adult Institutions; | ) |                                      |
|                                 | ) |                                      |
| <b>TREVOR FOLEY,</b>            | ) |                                      |
| Director, Missouri              | ) |                                      |
| Department of Corrections,      | ) |                                      |
| <i>Appellees.</i>               | ) |                                      |

**APPELLANT LANCE SHOCKLEY’S REPLY  
IN SUPPORT OF HIS MOTION FOR STAY OF EXECUTION**

This matter is before this Court because the State of Missouri has failed to follow its own policies – policies that specifically allow family members to serve as spiritual advisors (R. Doc. 2, Ex. A) – and refused to adhere to the Supreme Court’s unambiguous holding in *Ramirez v. Collier*, 595 U.S. 411 (2022), that rejects the Missouri Department of Corrections (“MODOC”) speculative concerns regarding the potential safety risks. Mr. Shockley has not sought a stay for the purpose of staying the execution.

Instead, he sought injunctive relief seeking the court to order MODOC abide by its own policies and respect his free expression of religion as he is executed by the State of Missouri. Both the record and the law firmly support Mr. Shockley's request for relief.

## **ARGUMENT**

Appellees raise several arguments in opposition to Mr. Shockley's motion for stay of execution that require a response. First, they argue the decision to deny Mr. Shockley his chosen spiritual advisor does not impose a substantial burden on his religious practice. Resp. at 11. Second, they argue their denial of his chosen spiritual advisor is narrowly tailored. Resp. at 14. Third, they argue this Court's decision should be guided by a footnote from *Bucklew v. Precythe*, 587 U.S. 119 (2019). Resp. at 1. Finally, they argue Mr. Shockley has engaged in inequitable delay in bringing this claim. Resp at 21. These arguments are not unpersuasive and undermined by the record before this Court.

### **1. Mr. Shockley is likely to prevail on his RLUIPA claim.**

Mr. Shockley's request for accommodations are entirely consistent with the Supreme Court's well-reasoned opinion in *Ramirez* and an application of MODOC's long-standing spiritual advisor policies. R. Doc. 2, Ex. A. MODOC attempts to characterize Mr. Shockley's requests as far afield of the *Ramirez* holding. Resp. at pp. 11-12. Mr. Shockley requested his spiritual advisor according to MODOC policies, R. Doc. 2, Ex. A, and requested his chosen spiritual advisor be afforded the same

accommodations as previous advisors. R. Doc. 15, Ex. B. These accommodations included the ability to offer communion in person, the use of anointing oils, and to have his spiritual advisor present in the execution chamber as he passes to the afterlife. *Id.* Mr. Shockley referred to the MODOC spiritual advisor policy and his spiritual advisors filed the appropriate paperwork evidencing their qualifications under the current MODOC policies. R. Doc. 2, Exs. B, C, H, and I. MODOC rejected their applications based on their status as “family” members and, in a later explanation, that they were rejected based on the background portion of the approval process. R. Doc. 2, Ex. D at 2, Ex. Q, and Ex. R.

MODOC’s refusal to approve Mr. Shockley’s chosen spiritual advisors solely because of their status as “family” poses a significant burden on Mr. Shockley’s religious free exercise. As the district court acknowledged, “that ministers are not fungible.” R. Doc. 26, at 14. Nevertheless, MODOC’s refusal to follow its own policies treats the choice of a spiritual advisor as fungible solely based on their status as a family member. R. Doc. 2, Ex. D at 2, Ex. Q, and Ex. R. MODOC insists it will approve the choice of another spiritual advisor – while relying on the very same policy (MODOC Policy D5-3.3) they refuse to honor in the instant litigation – as long as that advisor is not a family member. MODOC offers no coherent explanation why they won’t follow their long-standing spiritual advisor policy. Indeed, they make no mention of the policy in their briefing and instead insist this Court should defer to their long-standing policy choices developed by correctional officials. Resp. at pp. 15-16. On this we can agree, MODOC

should abide by its policies and procedures approving Mr. Shockley's qualified spiritual advisors.

**2. MODOC's restrictions are inconsistent with their own stated policies and overly restrictive in practice.**

MODOC alleges their restrictions are narrowly tailored to protect important governmental interests, but their current position is at odd with their own policies that specifically contemplate family members serving in the role of spiritual advisor. R. Doc. 2, Ex. A. MODOC repeatedly references their execution policies that restrict visits with family members to non-contact visits once an execution is scheduled. Resp. at 15. MODOC's relies on its spiritual advisor policy to verify the qualifications of all potential spiritual advisors, including those that are family members of the inmate. R. Doc. 2, Ex. A. The policy applies to family members by its plain terms and MODOC officials have referred to this policy in their correspondence with Mr. Shockley and his chosen spiritual advisors. R. Doc. 2, Ex. Q. This policy was adopted in 2016 and has not changed even though the Supreme Court in *Ramirez* specifically encouraged States to adopt policies and procedures intended to address issues related to spiritual advisors in the execution chambers. 595 U.S. at 436 ("If States adopt clear rules in advance, it should be the rare case that requires last-minute resort to the federal courts.") Mr. Shockley relied on this long-standing policy in making his requests and the MODOC has refused to abide by the letter of its own policies.



Notably, the State doesn't follow this speculative accusation to its conclusion: if Morgan Shockley were to attempt to tamper with the execution she would be interrupted by the execution team standing by outside the chamber, arrested, and the execution of her father would continue. There is no scenario where Morgan saves her father's life once he is in the chamber. Considering this logical conclusion, it is unlikely that any of the safety concerns the State offer require a categorical ban to defend against. Instead, it is more than likely that Morgan, a missionary and ordained minister, is going to carry out her solemn duty to usher her father to the Kingdom of Heaven.

MODOC's objections to following its own policies are grounded on unfounded speculation and without support in the record. The district court held, "No evidence in the record suggests that Shockley's daughters would be disruptive if permitted in the execution room." R. Doc. 26, at 4. Indeed, the State raises host of theoretical problems that might arise with a spiritual advisor present in the execution chamber. Resp. at 14. The State of Texas made similar arguments in *Ramirez* and the Court acknowledged the potential issues. 595 U.S. at 430 ("We agree that the government has a compelling interest in preventing disruptions of any sort and maintaining solemnity and decorum in the execution chamber.") But the Court looked to the specific circumstances of having Ramirez's chosen spiritual advisor in the execution chamber and noted, "But there is no indication in the record that Pastor Moore would cause the sorts of disruptions that Appellees fear. Appellees' argument thus comes down to conjecture

regarding what a hypothetical spiritual advisor might do in some future case.” *Id.* The same test should be applied to the circumstances of this case.

**3. The State’s continued reliance on *Bucklew v. Precythe* is mistaken.**

The State relied heavily on *Bucklew v. Precythe*, 87 U.S. 119, 150 (2019), in its opposition to Mr. Shockley’s Motion for Preliminary Injunction and Motion to Dismiss to persuade the District Court that the Supreme Court had already weighed in on the issue of family members in the death chamber. R. Doc. 15, at 3, 8; Doc. 16, at 4. Interestingly, the District Court did not address or adopt this argument in any way, only citing *Bucklew* for its actual holdings. *See* R. Doc. 26, at 16. If Supreme Court precedent truly decided this issue, that family members were “obviously” not permitted in an execution chamber, the District Court would have used this proposition to deny Mr. Shockley’s injunction request.

Despite the District Court not biting on the State’s strained reading of a footnote in *Bucklew*, the State relies on it again in this Court. To be sure, the Supreme Court has made no findings on whether a family member can ever be in an execution chamber. *Bucklew* didn’t consider the possibility of a clergy-family member, and neither did the Alabama statute the footnote references. But Missouri affirmatively contemplated this crossover and provided for it in its Department policies. *Bucklew* did not feature a Department of Corrections like MODOC that expressly provides for the opportunity to be the spiritual advisor of an immediate family member-inmate.

Finally, the State misapprehends the import of the footnote in *Bucklew*. The footnote issue addresses the timing for petitioner to bring a claim and when he or she was on notice of the potential constitutional violation. 587 U.S. at 119, n5. The court in *Bucklew* was only addressing whether he delayed in bringing his constitutional claim too late in the process. The offhand comment from the court majority regarding the Alabama statute covering individuals that may be present during an execution is a little more than dicta and not controlling in light of the Supreme Court's decision in *Ramirez*. *Ramirez* was decided three years after *Bucklew* and directly addressed the constitutional issues at stake in this case. Any attempt by Appellees to rewrite the footnote at Supreme Court precedent should be ignored. The existence of a family member-spiritual advisor is novel in this Court and for the Supreme Court.

**4. There was no undue delay in filing this action.**

Appellees take issue with potential delay in Shockley's case on this issue and claim that – somehow – this particular part is about seeking delay in his execution. But Shockley has not delayed his claims. And Appellees fail to acknowledge what was taking place between them and Mr. Shockley's counsel from the moment Assistant Attorney General Michael Spillane communicated Morgan and Summer's denials. The two parties' counsels exchanged emails attempting to come to an agreement *to avoid litigation*. It would have been counterintuitive to both parties' goals for Mr. Shockley to file litigation while Appellees were still attempting to resolve his request. Appellees cannot

both engage in meaningful negotiations and also claim Mr. Shockley filed this litigation at the last minute to ensure delay.

Mr. Shockley's attempt to resolve his spiritual advisor issues started before his daughters' denials. Appellees overlook counsel's September 11, 2025, e-mail as one example, where counsel informed Appellees that "Mr. Shockley made two separate spiritual advisor requests in the past few months and both have been denied." Additionally, at the time of those requests, both daughters are ordained in the church and had the requisite support for their applications from Missouri churches as per the MODOC guidelines. And counsel also raised the issue in early September, over a month ago, with Appellees as well.

Shockley was only provided a witness designation sheet on Friday, September 26. R. Doc. 15, Ex. B at 10. That would have been his first opportunity to designate his chosen spiritual advisors once he arrived at Bonne Terre, MO, for the execution. Counsel followed back up with Appellees after not receiving a response. R. Doc. 15, Ex. B at 16.

According to Appellee, Shockley's suit is not about spiritual advisor but instead an attempt to delay his execution. Resp. at 21. The allegations of delay stand in direct contrast to the timeline offered in Shockley's opening brief before this Court. App. at 8-15. Lance's daughters applied to be spiritual advisors and were informed by prison officials they meet the qualifications to serve in that capacity. The Appellee's attempt to use delay in this matter is an attempt to distract this court's attention away from the

fact that MODOC denied Shockley's request for reasons that are (1) in direct conflict of their own policy and (2) based on pure conjecture in regard to security concerns.

Shockley's ultimate goal is not delay—it is, quite plainly, the ability to have his chosen spiritual advisors with him before and as he dies. This is clear from the legal posture of his request: Mr. Shockley asked the District Court for an injunction to force the State to stop violating his religious rights, *not* a permanent stay of execution. If Mr. Shockley is to be executed, he simply wants it done in accordance with his person religious beliefs. Neither Appellees nor the District Court question the authenticity of Shockley's faith, as they cannot. *See Ramirez*, 595 U.S. at 425.

Thus, contrary to Appellees' insistence and despite their incomplete recounting of the timeline, Shockley raised this issue well in advance of his execution. Appellees dragged their feet, and the filings now are as a result of their lack of action, not Shockley's.

### **Conclusion and Prayer for Relief**

Given the importance of the issues in this case, Mr. Shockley respectfully requests that this Court issue a stay of Mr. Shockley's execution, currently scheduled for October 14, 2025.

Respectfully submitted,  
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## **CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

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/s/ Jeremy S. Weis  
Jeremy S. Weis  
Attorney for Lance Shockley

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2025, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system and sent it via email to Gregory Goodwin, Office of Missouri Attorney General, at [gregory.goodwin@ago.mo.gov](mailto:gregory.goodwin@ago.mo.gov).

/s/ Jeremy S. Weis  
Jeremy S. Weis  
Attorney for Lance Shockley

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 25-3024

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Lance Shockley

*Petitioner - Appellant*

v.

Richard Adams, Warden, Eastern Reception and Diagnostic Correctional Center;  
Heather Cofer, Warden, Potosi Correctional Center; Myles Strid, Director,  
Division of Adult Institutions; Trevor Foley, Director, Department of Corrections

*Respondents - Appellees*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: October 12, 2025  
Filed: October 13, 2025

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Before SHEPHERD, KELLY, and STRAS, Circuit Judges.

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STRAS, Circuit Judge.

The question before us is whether Lance Shockley has a right to have his daughters serve as his spiritual advisors, including praying over him and touching him in the execution chamber after administering communion and anointing him with oil. On this record, we conclude the answer is no.



## I.

In Missouri, a warrant for an inmate's execution halts all in-person contact with outside visitors except one: a spiritual advisor. Shockley's two daughters, who are both ministers, wanted to be his. One would perform the communion, anoint him with oil, and then go to the viewing area. The other would head to the chamber afterward to touch and pray over him during the execution.

When the Department denied Shockley's request, it offered several alternatives. He could have a spiritual advisor who was not a relative, either from within or outside the prison, administer communion and the anointing oils. He could do it himself with the help of prison clergy. Or he could have his lawyer do it. Whichever option he chose, his daughters could "lead the spiritual ritual/proceeding and . . . provide direction" from behind a glass window.

Shockley wanted only his daughters to do it. After several unsuccessful appeals and a denied grievance, he sued in federal court, just five days before his execution. He claimed the denial of his requested accommodation by the Missouri Department of Corrections violated his rights under the First Amendment's Free Exercise Clause and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc-1. He sought an order prohibiting his execution unless the Department fulfilled his requests, along with a preliminary injunction and a stay of execution.

After receiving a response from Missouri, the district court denied Shockley's requested relief and dismissed the case with prejudice. In this eleventh-hour appeal, Shockley asks us to stay his scheduled execution set for tomorrow.

## II.

"Last-minute stays should be the extreme exception . . . ." *Bucklew v. Precythe*, 587 U.S. 119, 150 (2019). A stay, after all, "is an equitable remedy," not

“a matter of right.” *Hill v. McDonough*, 547 U.S. 573, 584 (2006). Even an inmate “seeking [extra] time to challenge the manner in which the State plans to execute [him] must satisfy all of the [usual] requirements.” *Id.*; see *Nken v. Holder*, 556 U.S. 418, 426 (2009) (listing them).

Missouri offers several reasons to deny Shockley’s motion, but mindful of the short timeline, we focus on his failure to “ma[k]e a strong showing that he is likely to succeed on the merits.” *Nken*, 556 U.S. at 426 (citation omitted). Under RLUIPA, the threshold showing is “a substantial burden on [his] religious exercise.” 42 U.S.C. § 2000cc-1(a). A winning claim requires even more. See *Patel v. U.S. Bureau of Prisons*, 515 F.3d 807, 813 (8th Cir. 2008) (describing the elements of a free-exercise claim).

Shockley’s claim cannot get past the first step. See *Van Wyhe v. Reisch*, 581 F.3d 639, 655 (8th Cir. 2009) (noting that it is a “*threshold*” requirement (emphasis added) (citation omitted)). Not before us is the *what*: the religious sacraments and a spiritual advisor from his own religion willing to touch and pray with him. See 42 U.S.C. § 2000cc-1(a). The prison will allow him to receive communion, anointment, and prayer. What he objects to is *who* will do it: he requests his daughters, not some other non-family spiritual advisor of his choice. Even if whoever he picks will be under their direction.

On this record, the fact that his daughters will have to remain behind glass while they do so does not “significantly inhibit or constrain” him from “manifest[ing] [a] central tenet of [his] individual religious beliefs” or “engag[ing] in . . . activities that are fundamental to [his] religion.” *Mbonyunkiza v. Beasley*, 956 F.3d 1048, 1053 (8th Cir. 2020) (citation omitted) (defining a “substantial burden”). It just reflects the reality that having family members in the execution chamber poses special dangers to everyone involved, from the staff in the room to the inmate

himself.<sup>1</sup> According to a Missouri prison system official, they include “dislodg[ing] or disrupt[ing] I.V. lines, restraints, or . . . pillows” and “interfer[ing] with the carrying out of the execution, the solemnity and decorum of the execution chamber, [and] prison officials’ responses during any potential emergency.”

We must also be conscious of what is not in this record. Although there is no question that Shockley prefers his daughters “to provide the religious sacraments and rituals he seeks,” he never claims that they are his only spiritual advisors or the only ones able to do it in a way that is consistent with his religious beliefs. He may share a unique spiritual bond with them, as he now argues on appeal, but that fact alone is not enough to create a “substantial burden on his religious exercise” when prison officials have offered to have them involved at every step. *See Ramirez*, 595 U.S. at 425 (“A plaintiff bears the initial burden of proving that a prison policy implicates his religious exercise.” (citation omitted)); *Van Wyhe*, 581 F.3d at 657 (rejecting a prisoner’s substantial-burden claim because he did “not indicate how [the restriction] significantly inhibit[ed] or curtail[ed] his religious expression”).

It is true that ministers are not fungible, but there must be some limits. For example, what about an inmate who claims that the only acceptable spiritual advisor—one who must pray and lay hands on him in the execution chamber—is a fellow inmate who has offered spiritual guidance throughout his time in prison? In this hypothetical scenario, surely the prison could make the inmate choose someone else without running afoul of RLUIPA. The same should be true here, when Shockley claims he should receive not one—but two—family members to be with

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<sup>1</sup>We face a binary choice, with no alternatives in between. The Department has gone as far as it is willing to go in accommodating Shockley’s request in the alternatives it has offered. Shockley, on the other hand, is unwilling to accept any substitute for his daughters. Nor does either side suggest a “le[ss] restrictive means,” 42 U.S.C. § 2000cc-1(a)(2), that still addresses the risks posed by allowing outsiders like family into the execution chamber. *See Ramirez v. Collier*, 595 U.S. 411, 430–31 (2022) (recognizing that they could drown out “subtle signs of trouble,” cause “disruptions,” intentionally or accidentally interfere with equipment, or undermine the “solemnity and decorum” of the proceedings).

him, rather than *any other* spiritual advisor of his choice. *See Bucklew*, 587 U.S. at 150 n.5 (suggesting that family members “obviously would not be allowed,” consistent with a state statute prohibiting it). We conclude that, in the absence of “a substantial burden on [Shockley’s] religious exercise,” 42 U.S.C. § 2000cc-1(a), the prison did not have to agree.

### III.

We accordingly deny the motion for a stay of execution.

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