

No. 25-5869, 25A418

In the Supreme Court of the United States

LANCE SHOCKLEY, Petitioner,

v.

RICHARD ADAMS, et al., Respondent.

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

**BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI AND TO
MOTION FOR STAY OF EXECUTION**

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CAPITAL CASE
QUESTION PRESENTED

Over twenty years ago, Lance Shockley assassinated Missouri State Highway Patrol Sergeant Carl DeWayne Graham, Jr. The Supreme Court of Missouri issued a warrant for Shockley’s execution nearly four months ago. At that time, under the Missouri Department of Corrections’s (“the Department”) written procedures, Shockley was re-classified as “Pre-Execution Status.” R. Doc. 7-3, § II.A. As a result, “all visits,” except for visits with the inmate’s lawyer, “shall be non-contact (behind glass).” R. Doc. 7-3, § III.C(2)(c). Twelve days before his scheduled execution, Shockley requested contact visits with his daughters, as his spiritual advisors, immediately before his execution and to have one daughter present in the execution chamber. The Department declined his request, but allowed Shockley a non-contact visit where his daughters could participate in the pre-execution communion ceremony. Shockley then filed suit two business days before his scheduled execution.

The question presented is:

Should this Court grant an eleventh-hour stay to permit a condemned offender to force the Department to allow *his daughters* to have physical contact with him shortly before—and during—his scheduled execution?

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STATEMENT OF THE CASE¹

Lance Shockley filed the underlying action in federal court district 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 unanimously 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 death 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*,

¹ Shockley’s statement of the case fails to recount the facts of his crime or the history of his case and it fails to accurately state the facts involving the Department’s denials of his daughter’s requests to be designated as his spiritual advisor and the Department’s special accommodation attempts, so this Court should rely on Respondent’s statement instead. *See* Rule 15.2.

No. SC90286 (Mo. Oct. 8, 2025) (denying stay of execution). This Court has 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); Pet. App. at 74a.

This action—filed in district court on October 9, 2025—is Shockley’s latest attempt to delay. The Missouri Supreme Court issued a warrant for Lance 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.² On August 21, 2025, the

² Shockley told the United States Court of Appeals for the Eighth Circuit that he desires Morgan Shockley to “touch and pray over him.” Pet. App. at 99a, 85a, 94a, 98a, 103a, 105a, 106a. 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. Shockley’s specific request before this Court is somewhat amorphous, focusing more on the selection of a spiritual advisor, rather than the specific duties Shockley would have that spiritual advisor complete. Likewise, Shockley told the Department he wanted Morgan and Summer to administer communion to him, but he told the Eighth Circuit that he only wants

Department informed Morgan that immediate family members are ineligible to be spiritual advisor in these circumstances. 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 2016 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 2016 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), (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 to be Shockley’s spiritual advisor. 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 in district court on October 9, 2025.

Second, Shockley argues that he has a right to an in-person, pre-execution meeting with his daughters, Morgan and Summer, 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.

Summer to administer communion. *Compare* Pet. App. at 104a, *with* R. Doc. 15-1 at 21.

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. Yet 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 has 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. As part of its decision-making process, the Department relied on its officials with more than 50 years of corrections experience. Pet. App. at 66a. The officials explained that allowing access to the execution team would increase the threats of “doxing, threatening, or harassing those officials.” R. Doc. 15-2 at 2–3; R. Doc. 15-4 at 12. Respondents also pointed out that signed pledges would be ineffective as many of the previous spiritual advisors had violated their pledges. R. Doc. 15-2, 14-1; *see also* Resp. App. at 1A–10A. Indeed, as the district court concluded,

over 70% of the past spiritual advisors had violated their written pledges. Pet. App. at 63a.

All that said, Respondents found the least restrictive means to allow Shockley to participate in his chosen religious ceremonies. Pet. App. at 79a. For instance, 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. With Shockley's execution scheduled for October 14, 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. In so doing, 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.

On October 11, 2025, Shockley filed an appeal in the United States Court of Appeals for the Eighth Circuit and, on October 12, 2025, he requested a stay of his execution. On October 13, 2024, the United States Court of Appeals for the Eighth

Circuit denied the motion for a stay of execution. Pet. App. at 158a–162a. In denying the application for stay, the court found that, on the record before it, Shockley’s stay request “cannot get past the first step” of his RLUIPA claim, and likewise of making a strong showing that he is likely to succeed on the merits. Pet. App. at 160a.

SUMMARY OF THE ARGUMENT

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 Shockley made an unprecedented, eleventh-hour request: Shockley wants *his daughter* in the execution chamber with him as his spiritual advisor. R. Doc. 2-13.

In *Bucklew v. Precythe*, 587 U.S. 119 (2019), this Court recognized that 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]” as defined by this Court. *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 Court’s decision in *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 mandate that result. This Court should deny Shockley's application for a stay and it should deny Shockley's petition for a writ of certiorari.

REASONS FOR DENYING THE PETITION

I. This case is a poor vehicle for addressing the question presented.

“Both the State and the victims of crime have an important interest in the timely enforcement of a sentence.” *Bucklew v. Precythe*, 587 U.S. 119, 149 (2019) (quoting *Hill v. McDonough*, 547 U.S. 573, 584 (2006)). “Those interests have been frustrated in this case.” *Id.* Shockley committed his crime two decades ago. He has exhausted nearly every state and federal avenue for review to secure delay through lawsuit after lawsuit. *Bucklew*, 587 U.S. at 149.

As discussed in greater detail below, Shockley’s most recent suit is just his most recent attempt to delay Missouri’s lawful criminal judgment. The Missouri Supreme Court issued a warrant for Lance Shockley’s execution nearly four months ago. Execution Warrant, *State v. Shockley*, No. SC90286 (Mo. Jun. 18, 2025). Shockley’s daughters then sought spiritual advisor designations, and the Department timely communicated denials weeks before Shockley filed the instant suit. And Shockley’s late-arriving, dilatory attempts to secure a special accommodation were addressed expeditiously by the Department. Nevertheless, Shockley delayed.

Now, in the waning minutes of the eleventh hour, Shockley has filed this petition seeking certiorari and an equitable, emergency stay. But his attempts to manufacture an emergency through dilatory tactics cautions against this Court granting certiorari to review his question presented.

Indeed, this delay is unreasonable, and “[t]he people of Missouri, the surviving victims of [Shockley’s] crime, and others like them deserve better.” *Bucklew*, 587 U.S.

at 149. This Court should deny the petition for a writ of certiorari to prevent Shockley from benefitting from a strategy centered on unwarranted and unjust delay.

If there were a real issue worthy of this Court's review here, which Respondents assert there is not, it would reemerge in cases in which the lower courts have time to thoughtfully consider the matter after it has been timely raised. In those circumstances, litigants would be able to create clear records, and the lower federal courts would be able to present this Court with their factual finding and legal analyses. But the opposite occurred here. Indeed, both the district court and the Court of Appeals observed that Shockley presented them with a weak record. Pet. App. at 72a–76a; *see also* Pet. App. at 158a (“On this record, we conclude the answer is no.”) There is no issue here ripe for this Court's consideration, and if that is perceived as a failure, the failure is a result of Shockley's delay.

II. Shockley has not persuasively stated a basis for certiorari under this Court's rule.

This Court has explained the “character of the reasons the Court considers” in granting certiorari review. Those reasons include:

(a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

(b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

U.S. Sup. Ct. R. 10.

Shockley does not persuasively allege any of the reasons for granting certiorari listed in Rule 10. Indeed, no intermediate appellate court has ever held that a condemned offender may avoid restrictions on contact visits with family members immediately before an execution or that a condemned offender may secure the presence of immediate family members in the execution chamber during an execution simply by designating those family members as spiritual advisors. Such a holding would defy common sense. That is particularly true where, as here, the offender pleads no religious reason why the spiritual advisors must be his immediate family members. No case of this Court or any court supports that position, and thus there is no conflict for this Court to settle.

Nor does Shockley show that the United States Court of Appeals for the Eighth Circuit has “decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.” U.S. Sup. Ct. R. 10. Shockley argues the lower courts’ decisions are in “clear contravention” of this Court’s “unambiguous holding” in *Ramirez*. Em. App. for Stay at 4. But, for the reasons discussed below, Shockley’s request seeks a dramatic extension of *Ramirez*, and one that defies common sense and that would have the real likelihood of causing untenable results. While the reasons expressed in this Court’s rule are “neither

controlling nor fully measure the Court’s discretion,” Shockley’s petition does not state a ground for this Court’s extraordinary certiorari review, especially at this late date. U.S. Sup. Ct. R. 10.

III. Shockley has not made the showing required under United State Supreme Court Rule 11 for this Court to grant certiorari before judgment.

On October 13, 2025, the United States Court of Appeals for the Eighth Circuit issued an opinion denying Shockley’s request for a stay. But, Shockley’s appeal remains pending in the United States Court of Appeals for the Eighth Circuit. Shockley now requests this Court to grant certiorari review and his application for a stay. This Court should decline that invitation because Shockley has not made the showing required under Rule 11 for this Court to grant certiorari before judgment. The Court’s rule states, “[a] petition for a writ of certiorari to review a case pending in a United States court of appeals, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court.” U.S. Sup. Ct. R. 11. Shockley has not shown that this case is of such imperative public importance to require this Court to make an immediate determination, and his delay in asserting this case only further highlights that failure. This Court should not reward dilatory litigation strategies with extraordinary review and additional delay.

IV. Shockley's arguments are not meritorious.

As will be discussed in full below, Shockley has not pled facts to make even a *prima facie* showing that his claims are meritorious under the First Amendment's Free Exercise Clause or RLUIPA, 42 U.S.C. § 2000cc-1. After carefully reviewing the record in this case, both the district court and the intermediate appellate court found that Shockley failed to plead facts showing that Missouri's repeated offers of special accommodation substantially burdened Shockley's religious exercise. On this record, the Court should not grant certiorari review to reward Shockley's dilatory legal tactics.

REASONS FOR DENYING THE APPLICATION FOR STAY OF EXECUTION

"[A] stay of execution is an equitable remedy. It is not available as a matter of right, and equity must be sensitive to the State's strong interest in enforcing its criminal judgments without undue interference from the federal courts." *Hill*, 547 U.S. at 584. A request for a stay of execution must meet the standard required for all other stay applications. *Id.* "Under that standard, a court considers four factors: '(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.'" *Nken v. Holder*, 556 U.S. 418, 425–26 (2009) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)).

"Given the State's significant interest in enforcing its criminal judgments, there is 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.” *Nelson v. Campbell*, 541 U.S. 637, 650 (2004); *see also, e.g., Gomez v. U.S. Dist. Ct. for N. Dist. of Cal.*, 503 U.S. 653, 654 (1992) (per curiam) (holding that the “last-minute nature of an application” may be grounds for denial of a stay). Indeed, “an inmate is not entitled to a stay of execution as a matter of course.” *Hill*, 547 U.S. at 583–84. This is because “both the State and crime victims have an important interest in the timely enforcement of a sentence.” *Id.* at 584. Belated motions for stay are not favored because they offend the State’s, and the victims’ rights to final disposition of criminal judgments. *Bucklew*, 587 U.S. at 149–50.

ANALYSIS

Shockley fails to show a basis for stay. While all of the arguments that Respondents raised below provide a sufficient basis for this Court to deny a stay, *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 this 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. Shockley cannot meet the stay factors and his motion for stay fails to mention, let alone address, three of the four traditional stay factors.

In his emergency application for stay, Shockley acknowledges only one of the stay factors: his likelihood of success. *See* Em. App. for Stay at 1–12. Shockley fails to recognize the remaining three factors, and he fails to make any argument showing he can satisfy any of them. This failure is fatal to his request for a stay because Shockley, as the party requesting the extraordinary relief of an equitable stay, bears the burden of persuasion. *See Hill*, 547 U.S. at 584 (“Thus, like other stay applicants, inmates seeking time to challenge the manner in which the State plans to execute them must satisfy all of the requirements for a stay, including a showing of a significant possibility of success on the merits.”); *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (“It frequently is observed that a preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, *by a clear showing*, carries the burden of persuasion.”) (emphasis in original) (quoting 11A C. Wright, A. Miller, & M. Kane, *Federal Practice and Procedure* § 2948, pp. 129–130 (2d ed.1995)). While Shockley’s failure to make a clear showing of all four stay factors is, itself, a valid basis to deny him a stay, the record also demonstrates that Shockley cannot meet any of the four stay factors.

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. *Ramirez*, 595 U.S. at 424–25. As both the district court and the Eighth Circuit held, Shockley

failed to make this showing. Pet. App. 74a; Pet. App. 162a. Likewise, he fails to make it now. 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 with a spiritual advisor 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. The Department has also offered Shockley the ability to have contact visit, with communion and anointing oils, with a spiritual advisor who is not a family member. Doc. 2-13; R. Doc. 7-1.

So, 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 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.

In denying Shockley's request for a preliminary injunction, the district court found that Shockley did not include in the record: (1) that his daughters are his only spiritual advisors; (2) that his daughters are the only ministers able or qualified to provide the religious sacraments and rituals he seeks; (3) that the accommodations

substantially burden, or burden at all, his exercise of religion; and (4) that he has a particularly unique spiritual bond with his daughters. R. Doc. 26 at 15–16. As the district court found, Shockley “leaves it to be assumed.” R. Doc. 26 at 16. But mere “assumptions” are not enough to plead a credible claim.

Shockley cites no case holding that a death-row inmate’s religious exercise is “substantially burdened” if he cannot have a specific spiritual advisor. And there is none. Rather, this 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 was 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. Against this “obvious[]” conclusion, Shockley offers precious little. *See Bucklew*, 587 U.S. at 150 n.5. Indeed, at most, he relies on *Holt v. Hobbs*, 547 U.S. 352 (2015), for his argument that the Department has significantly burdened his religious expression. Pet. at 10–11. But *Holt* actually supports Respondents’ position, not Shockley’s. In *Holt*, the prison refused to allow the prisoner to grow a half-inch beard due to security concerns, while also allowing

the prisoner to engage in other tenants of his faith tradition. *Holt*, 574 U.S. at 359, 361. As this Court held, allowing a prisoner to engage in *other* tenants of their faith does not completely answer the question of whether the government has substantially burdened a separate tenant of the prisoner’s faith. *Id.* But here, the Department has not burdened Shockley’s faith tenants regarding the administration of communion, anointing oils, or having a spiritual advisor pray over him at the moment of his passing. Pet. App. at 79a; Pet. App. at 159a–160a. Instead, all the Department has done is place a *de minimis* restriction—the selection of a spiritual advisor that is not Shockley’s immediate relative. Of course, as this Court has long held, *de minimis* injuries do not entitle an offender to relief. *See, e.g., Spencer v. Kemna*, 532 U.S. 1, 13–14 (1998).

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. *See [Patel, 515 F.3d at 813].*” R. Doc. 26 at 14. And, further that the accommodations did not “deny [Shockley] the ability to engage in his preferred religious activities. *See [Patel, 515 F.3d at 813].* Thus, the Department’s

decision does not constitute a ‘substantial burden’ on Shockley’s free exercise of religion under RLUIPA. *See [Patel, 515 F.3d at 813].*” 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, the Department’s accommodation satisfies heightened scrutiny. 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. 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). R. Doc. 7-3. at 2, § III.C(2)(c). On top of that, Shockley’s insistence for a contact visit with immediate family shortly before his execution poses

a uniquely high risk. R. Doc. 2-13 at 2. Family would have an enormous incentive to interfere with the execution. R. Doc. 2-13 at 2.

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. *See* Pet. App. at 160a–161a (“family members in the execution chamber poses special danger”). 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. The district court, who has considerable experience with Shockley’s litigation, found the Department officials were correct to have those concerns. Pet. App. at 64a–66a.

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).

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 his daughter in the execution chamber with him. 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, and 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. In several cases, this Court has reaffirmed 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), this 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*, this Court cited *Dunn* as a prime example of 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, *Shockley v. Adams, et al.*, 4:25-CV-01513-SRC (E.D. Mo. Oct. 11, 2025).

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 petition for a writ of certiorari. This Court should also deny the application for a stay of execution.

Respectfully submitted,

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