

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

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**In the Supreme Court of the United States**

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**MICHAEL KING,**

*Petitioner*

**v.**

**SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,**

*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
FLORIDA SUPREME COURT

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**APPLICATION FOR STAY OF EXECUTION**

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**CAPITAL CASE**

**DEATH WARRANT SIGNED**  
**Execution Scheduled: March 17, 2026, at 6:00 PM ET**

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To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States:

The State of Florida has scheduled the execution of Petitioner, Michael King, for Tuesday, March 17, 2026 at 6:00 PM ET. Pursuant to the Supreme Court Rule 23 and 28 U.S.C. § 2101(f), Mr. King respectfully requests a stay of execution pending the disposition of his Petition for a Writ of Certiorari accompanying this application.

## **STANDARDS FOR A STAY OF EXECUTION**

The standards for granting a stay of execution are well established. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). There ““must be a reasonable probability that four members of the Court would consider the underlying issue sufficiently meritorious for the grant of certiorari or the notation of probable jurisdiction; there must be a significant possibility of reversal of the lower court’s decision; and there must be a likelihood that irreparable harm will result if that decision is not stayed.”” *Id.* (quoting *White v. Florida*, 458 U.S. 1301, 1302 (1982) (Powell, J., in chambers)).

## **PETITIONER SHOULD BE GRANTED A STAY OF EXECUTION**

The question raised in Mr. King’s Petition for a Writ of Certiorari is sufficiently meritorious for a grant of a writ of certiorari. The underlying issue presents a significant, compelling question of constitutional law and a stay is necessary to avoid Mr. King being executed in violation of the Eighth Amendment to the United States Constitution before that question is resolved. *Madison v. Alabama*, 586 U.S. 265 (2019); *Panetti v. Quarterman*, 551 U.S. 930 (2007); *Ford v. Wainwright*, 477 U.S. 399 (1986).

It is indisputable Mr. King will be irreparably harmed if his execution is allowed to go forward. The balance of equities weighs heavily in favor of a stay. Florida’s interest in the timely enforcement of judgments handed down by its courts must be weighed against Mr. King’s continued interest in his life. *See Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 289 (1998) (“[I]t is incorrect . . . to say that a prisoner has been deprived of all interest in his life before his execution.”) (O’Connor,

J., plurality opinion). Florida has a minimal interest in finality and efficient enforcement of judgments, while Mr. King has a right and significant interest in ensuring that his execution comports with the Constitution. In addition, the irreversible nature of the death penalty supports granting a stay. “[A] death sentence cannot begin to be carried out by the State while substantial legal issues remain outstanding.” *Barefoot*, 463 U.S. at 888. Mr. King submits there is a significant possibility of the lower court’s reversal, should this Court grant the request for a stay and review of the underlying petition. This Court’s intervention is urgently needed to prevent Mr. King’s imminent execution despite the protections from the death penalty provided by the Fourteenth Amendment.

Florida’s refusal to recognize Mr. King’s claim for what it is, a failure to follow protocol claim resulting in violations of his equal protection and due process rights, as opposed to a challenge to the method of execution, has prevented Mr. King from being meaningfully heard during post-warrant litigation. This Court should enter a stay of execution to allow Mr. King to demonstrate the maladministration of Florida’s lethal injection protocol is a violation of Mr. King’s rights under the Fourteenth Amendment of the United States Constitution. Mr. King’s case presents important constitutional issues which should be fully addressed by this Court free from the extreme time constraints set by the warrant signed by the governor on February 13, 2026 scheduling his execution for March 17, 2026, which is only \* days from the filing of this application.

Because Mr. King has raised a claim based on Fourteenth Amendment equal protection concerns and following the Eleventh Circuit precedent from *DeYoung v. Owens*, 646 F.3d 1319 (11th Cir. 2011) and *Arthur v. Thomas*, 674 F.3d 1257 (11th Cir. 2012) an evidentiary hearing is required.

In a recent cert denial Justice Sotomayor commented:

Going forward, I hope that Florida and its courts will recognize the paramount importance of ensuring that it conducts executions consistently with its approved protocol, and assuring all involved that it is preventing any infliction of needless suffering on those being executed in the State. By continuing to shroud its executions in secrecy, Florida undermines both the integrity of its own execution process and, potentially, this Court's ability to ensure the State's compliance with its constitutional obligations.

*Trotter v. Florida*, 607 U.S. \_\_\_, Case No. 25-6853 (25A926) (Feb. 24, 2026) (Sotomayor, J., respecting the denial of the application for stay of execution and denial of certiorari). Distinguished from *Trotter*, King has also raised and preserved the issue of the circuit court denying King's request for additional records pursuant to Rule 3.852. See Justice Sotomayor's footnote:

"In earlier proceedings in this case, Trotter also challenged the denial of his own public-records request before the Florida courts, arguing that he was entitled to records relating to the administration of executions that have recently taken place in Florida. He does not raise any claim in this Court relating to the denial of his request for additional records."

*Id.* Mr. King has preserved the records issue for this Court's review. A stay is necessary so a thorough factual basis can be established regarding this issue of great importance.

## CONCLUSION

“The fundamental requirement of due process is the opportunity to be heard “at a meaningful time and in a meaningful manner.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). Mr. King’s meritorious issue cannot possibly be heard in a meaningful manner with just days left until his execution. The important constitutional issue presented by Mr. King’s case requires a full appellate review that is not truncated by his imminent execution.

For the foregoing reasons, Mr. King respectfully requests this Court grant his application for a stay of execution scheduled for March 17, 2026, to address the compelling constitutional question in his case on the merits.

Respectfully submitted,

DATED this 11<sup>th</sup> day of March, 2026.

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