

In the
Supreme Court of the United States

Stacey Ian Humphreys,
Petitioner,
v.

Georgia Board of Pardons and Paroles, et al.,
Respondents.

**RESPONSE IN OPPOSITION TO PETITIONER'S
MOTION FOR STAY OF EXECUTION PENDING
CONSIDERATION OF PETITION FOR WRIT OF CERTIORARI**

****EXECUTION SCHEDULED SEPTEMBER 16, 2026****

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ARGUMENT

Petitioner Stacey Ian Humphreys seeks a stay of execution pending this Court’s consideration of his petition for a writ of certiorari, which urges review of a superior court’s denial of a mandamus petition decided on state-law grounds. 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 v. McDonough*, 547 U.S. 573, 584 (2006). As such, Humphreys must show “that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Glossip v. Gross*, 576 U.S. 863, 876 (2015). Because Humphreys cannot carry that heavy burden, this Court should deny his motion.

A. Humphreys is extremely unlikely to secure this Court’s review or to succeed on the merits of his new claims.

To secure a stay of execution, Humphreys must establish that there is “a reasonable probability that four members of the Court would consider the underlying issue sufficiently meritorious for the grant of certiorari,” and “a significant possibility of reversal of the lower court’s decision.” *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). Humphreys can do neither, for the reasons explained in Respondents’ brief in opposition: Until Humphreys filed his petition, this litigation involved *only* state-law issues. He has identified no division of authority (or authority *at all*) on the lead question presented: Whether a departure not from *law*, but from extra-legal *practice*, in state clemency procedures violates the Due Process Clause. And there is nothing remotely unconstitutional about a process in which the Georgia Board of Pardons and Paroles Board simply follows a Georgia statute, O.C.G.A. § 42-9-20(a), that expressly permits the Board to act through a quorum of its members. *See generally* Brief in Opposition, No. 26-5211 (“BIO”).

Humphreys again argues that this case “presents an excellent vehicle to resolve the constitutional questions that have plagued the courts below since this Court’s determination in *Ohio Adult Parole Authority v. Woodard*, 523 U.S. 272 (1998), that some constitutional protections apply to capital clemency proceedings.” Mot.7. But he raises just one “question[]” under *Woodard, id.*, and it has apparently generated no precedent to speak of, much less a split of authority worthy of review. See BIO.15–16. Even if it had, this case would be a terrible vehicle, because until Humphreys’s petition, this case did not involve *any* federal constitutional issues. See BIO.19–20.

Recognizing as much, Humphreys repeats his request that this Court “grant the petition and remand” *because* “[n]either party raised the federal constitutional” arguments he now presents. Mot.9–10; see BIO.20. That is a bizarre argument: The state superior court cannot possibly have prejudiced Humphreys by considering *Woodard* sua sponte *on Humphreys’s behalf*, only to opine (in footnoted dicta) that the Board’s decision to follow explicit state law did not violate the federal Due Process Clause. Pet.App.C3–C4 n.6. And again, Humphreys’s new argument—that the Due Process Clause required the Board to *deviate* from state law and conform to past “practice” (really, historical accident), Pet.ii—has precisely nothing to do with the state court’s *Woodard* observations anyway. See BIO.20–22.

Humphreys also argues that if this Court does not step in to review federal claims he somehow forgot to raise at any previous stage of this litigation, it will empower the “Board to vary the procedure accorded with each capital clemency applicant at will.” Mot.9. That assertion is hard to take seriously. The state trial court concluded that the Board would comply with state law by proceeding under the terms of a state quorum statute in ruling on Humphreys’s clemency application. It is *Humphreys* who asks for a federal constitutional rule requiring the Board to depart from state law in favor of ad hoc “practice”—not the other way around.

To reiterate: There is no dispute between the parties, even before this Court, that Georgia’s statutory clemency procedures comply with the Due Process Clause and *Woodard*. See BIO.21. If a clemency decision “rendered by fewer than all five members of the Board” has not previously occurred in response to an inmate’s successful argument that a Board member has a conflict of interest, Mot.11, that is not a due-process problem: It is why the quorum statute exists. And again, Humphreys identifies no federal authority suggesting that *Woodard* compels a clemency board to ignore governing state law in favor of “entrenched practice,” *id.*, the first time the choice arises.

As for Humphreys’s equal-protection claim, Mot.12, Respondents rest on the arguments in their brief in opposition, BIO.24–28. Humphreys admits he never mentioned the Equal Protection Clause in state court, and that Clause has nothing to do with either *Woodard* or the state court’s footnote. See Mot.9–10. Nor is there anything irrational about a state clemency board utilizing a duly enacted quorum statute under these circumstances.

B. The equities and public interest favor denial of a stay.

A stay of execution is an equitable remedy and, as such, it “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 (citing *Nelson v. Campbell*, 541 U.S. 637, 649–50 (2004)). “Both the State and the victims of crime have an important interest in the timely enforcement of a sentence,” *id.* (citing *Calderon v. Thompson*, 523 U.S. 538, 556 (1998)), including a sentence of death, see *Bucklew v. Precythe*, 587 U.S. 119, 149–51 (2019). Because stay motions are often “tools to interpose unjustified delay” in executing lawful sentences, *id.* at 150, granting them must be an “extreme exception, not the norm,” *Barr v. Lee*, 591 U.S. 979, 981 (2020). Accordingly, 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*, 541 U.S. at 650.

Here, as in other recent cases, the equities favor the State. *See, e.g., Silvia v. Florida*, 609 U.S. __ (Aug. 18, 2026). More than two decades have passed since Humphreys committed his heinous crimes. *See* BIO.11–12. His attempts to secure state and federal postconviction relief all failed. *See id.* And the State has already secured one execution warrant, in December 2025, Pet.App.E181, which a state superior court preliminarily stayed to allow time to consider Humphreys’s purely state-law arguments challenging his process before the Board, Pet.App.D9. Following full review of those arguments, the state trial court denied mandamus relief in March 2026, Pet.App.C8, and the Georgia Supreme Court denied discretionary review in April, Pet.App.B. Three months later, Humphreys filed his pending petition for certiorari in this Court, in which—for the first time—he recasts this litigation in federal constitutional terms. *See* BIO.19–20.

It is therefore incredible that Humphreys tries to tilt the equitable balance by accusing the State of “procur[ing] a rushed execution warrant.” Mot.6. Nothing has been “rushed” about Humphreys’s process or the State’s pursuit of justice for his victims. Nor, contra Humphreys, has the State’s “conduct” somehow “necessitate[d]” his “emergency stay” motion. *Id.* After all, the State did not compel Humphreys to litigate his mandamus action solely on state-law grounds, or to reverse course at the eleventh hour and raise his half-baked federal claims only after the state court (properly) read Georgia law to permit the Board to consider his clemency application and the state supreme court denied review of the same state-law claims. Nor can Humphreys feign surprise that the State sought and obtained a replacement execution warrant once the state-law litigation that blocked its first warrant came to a favorable conclusion. In short, Humphreys’s petition, which raises federal claims so “speculative” that he cannot support them with a shred of authority, raises precisely the concerns about “dilatory” tactics that this Court has classified as reasons to deny a stay. *See Bucklew*, 587 U.S. at 151.

Like every other capital inmate who seeks a stay of execution decades after spilling innocent blood, Humphreys emphasizes that carrying out his sentence will impose an “irreparable injury.” Mot.6. But that is inherent in the sentence itself, and “the question of capital punishment belongs to the people and their representatives, not the courts,” *Bucklew*, 587 U.S. at 150. Humphreys identifies no irreparable harm that is not the natural and just consequence of his lawful—and long-final—capital sentence. Moreover, the State’s first execution warrant should have put Humphreys on notice that his execution was imminent. But when his lawyers chose a strategy to forestall that event, they opted for a mandamus petition raising state-law arguments. And for good reason: As Humphreys’s petition amply demonstrates, he has no colorable federal claims. *See* BIO.16–28.

Against that backdrop, “the relative harms to the parties,” including to “the State’s significant interest in enforcing its criminal judgments,” *Nelson*, 541 U.S. at 649–50, do not justify a second reprieve for Humphreys, nor any additional delay for “[t]he people of [Georgia]” or “the surviving victims of [Humphreys’s] crimes,” *Bucklew*, 587 U.S. at 149. For all these reasons, and those explained in Respondents’ brief in opposition, this Court should deny Humphreys’s motion for a stay of execution.

CONCLUSION

This Court deny the motion for a stay of execution.

Respectfully submitted.

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