

No. 26A415
CAPITAL CASE

EXECUTION SCHEDULED FOR
TUESDAY, SEPT. 29, 2026, AT 6:00 P.M.

IN THE
SUPREME COURT OF THE UNITED STATES

CURTIS W. BEASLEY,
Petitioner,

v.

RICHARD COMERFORD,
SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

RESPONSE TO APPLICATION FOR STAY OF EXECUTION

On September 24, 2026, Petitioner, Curtis Wilkie Beasley, represented by state postconviction counsel Bjorn E. Brunvand and J. Jervis Wise of the law firm of Brunvand, Wise, & Farinella, filed, in this Court, a petition for writ of certiorari seeking review of a decision by the Eleventh Circuit Court of Appeals in this active warrant case. The petition seeks review of an unpublished decision by the Eleventh Circuit denying his motion for a certificate of appealability (COA) from the district court's denial of a Federal Rule of Civil Procedure 60(b) motion seeking to vacate its 2010 judgment denying Beasley's federal habeas petition. Beasley has also filed an

application for a stay of execution based on the petition for certiorari. This Court, however, should simply deny the petition and then deny the stay.

Stays of Execution

Stays of executions are not granted as “a matter of course.” *Hill v. McDonough*, 547 U.S. 573, 583-84 (2006). Rather, a stay of execution is “an equitable remedy” and “equity must be sensitive to the State’s strong interest in enforcing its criminal judgments without undue interference from the federal courts.” *Id.* at 584. 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). Equity must also consider “an inmate’s attempt at manipulation.” *Gomez v. U.S. Dist. Ct. for N. Dist. of Cal.*, 503 U.S. 653, 654 (1992). “Both the State and the victims of crime have an important interest in the timely enforcement of a sentence.” *Calderon v. Thompson*, 523 U.S. 538, 556 (1998). This Court has highlighted the State’s and the victims’ interests in the timely enforcement of the death sentence. *Bucklew v. Precythe*, 587 U.S. 119, 149-151 (2019). The people of Florida, as well as the families of the victims of capital crimes, deserve better than the excessive delays that now typically occur in capital cases. *Id.* at 149. The Court has stated that courts should police carefully against last-minute claims being used “as tools to interpose unjustified delay” in executions. *Id.* at 150. This Court has also repeatedly stated that last-minute stays of execution should be the “extreme exception, not the norm.” *Barr v. Lee*, 591 U.S.

979, 981 (2020) (quoting *Bucklew*, 587 U.S. at 151, and vacating a lower court's grant of a stay of a federal execution).

To be granted a stay of execution in this Court, Beasley must establish three factors: (1) a reasonable probability that the Court would vote to grant certiorari; (2) a significant possibility of reversal if review was granted; and (3) a likelihood of irreparable injury to the applicant in the absence of a stay. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). He must establish all three factors.

Probability of This Court Granting Certiorari Review

As to the first factor, there is little chance that four justices of this Court would vote to grant certiorari review on the issues raised in Beasley's petition. The Eleventh Circuit's two-paragraph unpublished decision does not conflict with any decision by this Court or a United States court of appeals, nor does it decide any important and unsettled question of federal law. *See* Sup. Ct. R. 10(a), (c). The order merely states that Beasley had not made a substantial showing of the denial of a constitutional right as required to warrant a COA under 28 U.S.C. § 2253(c). The order did not discuss the district court's findings that Beasley challenges in his petition, to wit, whether the Rule 60(b) motion was time-barred and whether it stated a cognizable basis for federal habeas relief. And even if the Eleventh Circuit's order could be construed as an endorsement of the district court's reasoning, it is unpublished and, therefore, does not constitute binding precedent. There is little probability that the Court would vote to grant review under these circumstances. Beasley fails the first factor, which alone is sufficient to deny the motion for a stay.

Significant Possibility of Reversal

As to the second factor, there is not a significant possibility of reversal on the issues raised by Beasley. First, as the Eleventh Circuit indicated, the Rule 60(b) motion was subject to dismissal as an unauthorized second or successive federal habeas petition. *See Fernandez v. United States*, 146 S. Ct. 1292, 1301 (2026); *Rivers v. Guerrero*, 605 U.S. 443, 453 (2025). Second, the motion was also time-barred because it was premised on newly discovered evidence, it was filed outside the one-year time limit for motions based on such evidence under Rule 60(b)(2), and Beasley could not use Rule 60(b)(6) to circumvent the time bar. *See Kemp v. United States*, 596 U.S. 528, 531-39 (2022). Third, Beasley would not be entitled to relief under Rule 60(b)(6) regardless, because Beasley does not qualify for any exemption from execution under this Court's precedent. Ultimately, there was no error at all in the proceedings below, let alone one that warrants certiorari review.

Irreparable Injury

As to the third factor of irreparable injury, none is identified. While the execution will result in Beasley's death, that is the inherent nature of a death sentence. The stay standard, derived from ordinary civil litigation, does not naturally fit the capital context, where finality is the execution itself. Beasley identifies no harm beyond that consequence. Moreover, this Court has stated in the capital context that "the *relative* harms to the parties" must still be considered, including "the State's significant interest in enforcing its criminal judgments." *Nelson*, 541 U.S. at 649-50 (emphasis added). Without finality, "the criminal law is deprived of much of its

deterrent effect.” *Calderon*, 523 U.S. at 555-56. The murder of Carolyn Monfort for which Beasley was sentenced to death occurred in 1995, and his death sentence has been final since 2001. Beasley fails this factor as well.

Equity Does Not Warrant a Stay

Finally, equity does not warrant a stay. Again, a stay of execution is an extraordinary equitable remedy, and this Court has emphasized that last-minute stays should be the “extreme exception, not the norm.” *Lee*, 591 U.S. at 981. Beasley has had decades to challenge his death sentence, and all of his collateral challenges have failed. He should not be granted additional time merely to attempt to raise further meritless challenges to his long-final death sentence. Moreover, the underlying premise of Beasley’s new claim is that the State has waited longer than it should have to execute him. That weighs against, not in favor of, a stay of execution. As well, the State’s compelling interest in the timely enforcement of its criminal judgments and the corresponding interest in finality for the victim’s family weigh decisively against a stay. The application should be denied.

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Respectfully submitted,

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September 28, 2026