

No. _____

In the Supreme Court of the United States

In re: Jamaal Howard,
Petitioner

APPLICATION FOR STAY OF EXECUTION

This is a capital case. Mr. Howard is scheduled to be executed
on Wednesday, October 7, 2026, after 6:00 p.m.

Petitioner Jamaal Howard is scheduled to be executed by the State of Texas after 6:00 p.m. central time on Wednesday, October 7, 2026. He has filed in this Court a petition for a writ of mandamus asking the Court to direct the United States Court of Appeals for the Fifth Circuit to reconsider his motion for authorization to file a successive habeas application without regard to the statute of limitations in 28 U.S.C. § 2244(d), a question Congress assigned to the district court. Howard asks the Court to stay his execution pending its consideration of that petition.

A stay is warranted when there is a fair prospect that a majority of the Court will grant the relief the applicant seeks and a likelihood that irreparable harm will result from the denial of a stay. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). Both conditions are met here. The petition presents a question that has divided the courts of appeals for nearly two decades: whether a court of appeals, ruling on a motion for authorization under § 2244(b)(3), may deny authorization on the ground that the

proposed application is untimely under § 2244(d). Pet. 1–2. Because § 2244(b)(3)(E) bars certiorari review of authorization orders, that question can reach this Court only through an extraordinary writ. Pet. 7. And without a stay, Howard will be executed before the Court can consider his petition.

Howard respectfully asks the Court to stay his execution pending its consideration of his petition for a writ of mandamus.

Respectfully submitted,

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