

05-8794 HILL V. MCDONOUGH

DECISION BELOW: No. 06-10621, 1/24/2006

LOWER COURT CASE NUMBER: 06-10621

QUESTIONS PRESENTED:

1. Whether a complaint brought under 42 U.S.C. § 1983 by a death-sentenced state prisoner, who seeks to stay his execution in order to pursue a challenge to the chemicals utilized for carrying out the execution, is properly recharacterized as a habeas corpus petition under 28 U.S.C. § 2254?
2. Whether, under this Court's decision in *Nelson*, a challenge to a particular protocol the State plans to use during the execution process constitutes a cognizable claim under 42 U.S.C. § 1983?

CERT. GRANTED 1/25/2006

EXPEDITED BRIEFING SCHEDULE
FORMERLY HILL v. CROSBY