

The Supreme Court of Ohio

FILED

07/14/2009

CLERK OF COURT
SUPREME COURT OF OHIO

Michael Dean Scott

Case No. 2009-1369

v.

ENTRY

Mark Houk, Warden

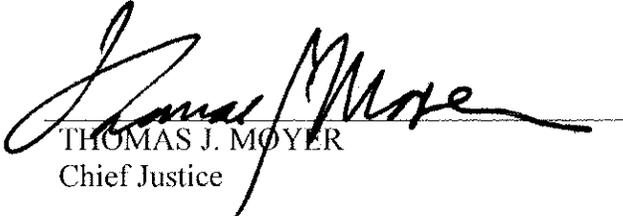
This cause is pending before the Court on the certification of a state law question from the United States District Court, Northern District of Ohio, Eastern Division. On review of the preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6), the Court will answer the following question:

“Is there a post-conviction or other forum to litigate the issue of whether Ohio’s lethal injection protocol is constitutional under *Baze v. Rees*, 533 U.S. --, 128 S.Ct. 1520 (2008), or under Ohio law?”

It is ordered by the Court that petitioner’s motion to strike the district court order certifying question of state law filed July 29, 2009, is denied as moot.

It is further ordered by the Court that petitioner shall file a merit brief within 40 days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI, and S.Ct.Prac.R. XVIII(7).

(US District Court for the Northern District of Ohio; No. 407CV0753)


THOMAS J. MOYER
Chief Justice