

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

NORMAN TIMBERLAKE,)	
)	
Plaintiff,)	
vs.)	No. 1:06-cv-1859-RLY-WTL
)	
ED BUSS, Superintendent,)	
Indiana State Prison,)	
)	
Defendant.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The defendant's motion for judgment on the pleadings is **denied**. The reasons for this ruling are that (a) the eve-of-execution argument by the State is no longer valid, and (b) the State's interest in carrying out the plaintiff's execution is no longer threatened by the plaintiff's action. These are the result of the stay of execution issued by the Indiana Supreme Court on the morning of the day set for trial in this case. That stay continues in effect and is indefinite in duration.

2. The plaintiff's motion for a preliminary injunction is **denied**. The reason for this ruling is that the decision of the Indiana Supreme Court on January 17, 2007, resulted in an indefinite stay of execution of the plaintiff.

3. The motions to intervene of Michael Lambert and David Leon Woods are **granted**. The motion to amend/correct the request to proceed *in forma pauperis* of intervenor plaintiff Woods is **granted**. The requests to proceed *in forma pauperis* of the intervening plaintiffs are likewise **granted**. Nothing in these rulings, however, shall prevent the court from treating the claims of David Leon Woods or any of the plaintiffs separately or as needed in order to address and resolve those claims (or the defense(s) pertaining to those claims).

IT IS SO ORDERED.

Date: _____

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