

February 3, 2005

Michael B. Ross ex rel. Smyth v. Lantz, et al., No 3:05-CV-116(RNC)

Endorsement Ruling

Re: Motion to Intervene and Stay Execution filed by Michael B. Ross(Doc. #61):

Denied as moot. Movant Ross, a condemned prisoner in the custody of the State of Connecticut, seeks to intervene in this habeas proceeding in order to obtain a stay of his execution pending a full and fair hearing on the issue of his competency to "volunteer" to be executed. Pursuant to an order of the Connecticut Supreme Court, the execution has been stayed indefinitely and the parties are now poised to revisit the competency issue in the Connecticut Superior Court, where movant Ross may obtain an adequate remedy. Accordingly, the motion to intervene and stay the execution is hereby denied as moot. So ordered.

_____/s/_____
Robert N. Chatigny, U.S.D.J.