

OPINIONS OF INDIVIDUAL JUSTICES
IN CHAMBERS

LENHARD ET AL., CLARK COUNTY DEPUTY PUBLIC
DEFENDERS, INDIVIDUALLY AND AS NEXT FRIENDS
OF BISHOP v. WOLFF, WARDEN, NEVADA
STATE PRISON SYSTEM, ET AL.

ON APPLICATION FOR STAY OF EXECUTION AND PETITION FOR
REHEARING

Nos. A-172 and A-332. Decided October 18, 1979

Petition for rehearing of the Court's denial of an earlier application for a stay of execution of death sentence pending the filing of a petition for certiorari, see *ante*, p. 807, and an application for a stay of the rescheduled execution, are denied regardless of whether the submission is treated as a request for a rehearing of the previous denial of a stay of execution or as a new request for a stay of execution.

MR. JUSTICE REHNQUIST, Circuit Justice.

On October 1, 1979, this Court denied the application of Kirk Lenhard and George Franzen, acting as next friends of Jesse Bishop, for a stay of execution pending the filing and determination of a petition for certiorari. *Lenhard v. Wolff*, *ante*, p. 807. Respondents have subsequently rescheduled Bishop's execution for Monday, October 22, 1979. Lenhard and Franzen have now submitted to me, as Circuit Justice, a petition requesting rehearing of this Court's order of October 1, and an application for stay of execution pending determination of the petition for rehearing.

Resolving in applicants' favor all questions pertaining to procedures and rules of the Court, I am satisfied that the moving papers would not persuade the requisite number of Justices to grant applicants' proposed petition for certiorari, to

grant the petition for rehearing of this Court's previous denial of a stay pending the filing of a petition for certiorari, or to grant a stay pending Conference consideration of the petition for rehearing. See this Court's Rule 58. As a consequence, whether the submission presented to me as Circuit Justice on October 16, 1979, is treated as a request for a rehearing of our previous denial of a stay of execution, or as a new request for a stay of execution, it is in all respects

Denied.

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