

OPINION OF INDIVIDUAL JUSTICE  
IN CHAMBERS

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NETHERLAND, WARDEN *v.* TUGGLE

ON APPLICATION TO VACATE STAY OF EXECUTION

No. A-910. Decided May 15, 1996

An application to vacate the Fourth Circuit's order staying respondent Tuggle's execution has been filed. However, there is no such stay in effect in this case. Although Tuggle asked the Fourth Circuit both to stay his execution and to stay issuance of its mandate in his case, the court order only stayed the issuance of its mandate.

CHIEF JUSTICE REHNQUIST, Circuit Justice.

Applicant has filed an application to vacate an order of the Court of Appeals for the Fourth Circuit staying the execution of respondent Tuggle. It is my understanding, however, that no such stay of execution is in effect. While Tuggle asked the Court of Appeals both to stay his execution and to stay issuance of its mandate in his case, see *Tuggle v. Netherland*, 79 F. 3d 1386 (1996), the Court of Appeals' order only stayed the issuance of its mandate for a period of 30 days. Hence there is no stay of execution for me to vacate.