

OPINION OF INDIVIDUAL JUSTICE  
IN CHAMBERS

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STROUP, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORY, ET AL. *v.*  
WILLCOX ET AL.

ON APPLICATION FOR STAY

No. 06A592. Decided December 18, 2006

Applicants' request to stay a Fourth Circuit judgment pending the filing and disposition of a petition for certiorari is denied. Their request fails to meet this Court's standard for such relief. Moreover, it is undermined by the fact that the central argument pressed here was mentioned by applicants only in passing in the courts below.

CHIEF JUSTICE ROBERTS, Circuit Justice.

The State of South Carolina and Rodger Stroup, the director of the State's Department of Archives and History, apply for a stay of the judgment issued by the Court of Appeals for the Fourth Circuit pending the filing and disposition of a petition for writ of certiorari in this Court. Their request fails to meet our standard for such relief. See *Barnes v. E-Systems, Inc. Group Hospital Medical & Surgical Ins. Plan*, 501 U.S. 1301, 1302 (1991) (SCALIA, J., in chambers).

Moreover, a request for extraordinary equitable relief is certainly undermined when the central argument pressed was only mentioned by applicants in passing in the court below. Applicants' request is based almost exclusively on the Court of Appeals' failure to certify to the Supreme Court of South Carolina contested questions of state property law. In their initial submission to the Court of Appeals, however, applicants requested that the court rule on the merits of the matter. They merely noted that certification "is an option

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for [the] Court if it wants guidance from the South Carolina Supreme Court.” Brief for Appellants in No. 06–1179 (CA4), p. 37, n. 9.

Accordingly, the request for a stay is denied.

*It is so ordered.*