

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

EDWARD JEROME HARBISON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 3:06-1206
	)	Judge Trauger
GEORGE LITTLE, in his official capacity as	)	
Tennessee's Commissioner of Correction, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

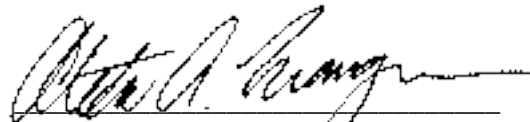
For the reasons expressed in the accompanying Memorandum, it is hereby **ORDERED** that the defendants are **ENJOINED** from executing the plaintiff, Edward Jerome Harbison, under the current Execution Procedures for Lethal Injection (Defendant's Ex. 8), as this court has found those procedures violative of the Eighth Amendment to the Constitution of the United States, made enforceable against the states under the Fourteenth Amendment to the Constitution of the United States. **JUDGMENT** is hereby entered in favor of the plaintiff, Edward Jerome Harbison.

A stay of the execution of Mr. Harbison, presently scheduled for September 26, 2007, does not hereby issue. The Amended Complaint (Docket No. 63) does not request a stay. Moreover, a stay is not authorized, given the terms of Tennessee Code Annotated § 40-23-114(d), which provides, in part:

In any case in which an execution method is declared unconstitutional, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method of execution.

It is so **ORDERED**.

Enter this 19<sup>th</sup> day of September 2007.

  
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ALETA A. TRAUGER  
U.S. District Judge