

2009 WY 145

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2009

November 24, 2009

DALE WAYNE EATON,

Petitioner,

v.

S-08-0235

THE STATE OF WYOMING,

Respondent.

ORDER LIFTING STAY OF EXECUTION

AND

ORDER CLOSING CASE

[¶1] **This matter** came before the Court upon “Petitioner’s Status Report,” which was e-filed herein November 16, 2009, pursuant to the terms of this Court’s November 14, 2008 “Order Granting Petition for Writ of Review, Order Vacating Warrant of Execution, Order Setting Date of Execution, and Order Staying Execution.” In the Status Report, Mr. Eaton’s counsel informs this Court that the state district court denied Mr. Eaton’s petition for post-conviction relief. In this Court’s docket S-09-0220, Mr. Eaton filed a petition seeking review of the district court’s denial of post-conviction relief. Today, this Court denied that petition and remanded the matter to the district court for issuance of a new warrant of execution. Given this Court’s disposition of the petition Mr. Eaton filed in S-09-0220, this Court finds that it is no longer appropriate for this Court to continue the stay of execution of Mr. Eaton’s sentence. Instead, this Court finds that any request for a stay should first be directed to the district court, or to any tribunal that Mr. Eaton deems appropriate. It is, therefore,

[¶2] **ORDERED** that the stay of execution of sentence under this Court’s order of November 14, 2008, be, and hereby is, lifted; and it is further

[¶3] **ORDERED** that the captioned case be, and hereby is, closed; and it is further

[¶4] **ORDERED** that this order be published in Pacific Reporter Third.

DATED this 24th day of November, 2009.

BY THE COURT:

/s/ Barton R. Voigt

BARTON R. VOIGT

Chief Justice