

DISTRICT	OFF.	DOCKET NO. VOL. NUMBER	CIT.	FILED DATE MO. DAY YR.	J.	CLERK	DIV.	H.	23	NO. OF PAGES	MAG.	COUNTY	APPA VOL.	DOCKET VOL. NUMBER
0541	02	89 336	1	11 30 89	3	530				4122		C-89-336 48355		

CAUSE: PLAINTIFFS
CARLOS DELUNA

DEFENDANTS
JAMES A. LYNAUGH, DIRECTOR,
TEXAS DEPARTMENT OF CORRECTIONS

89-6262

Application for Writ of Habeas Corpus
REQUEST FOR STAY OF EXECUTION

U.S. COURT OF APPEALS
FILED

DEC 4 1988

GILBERT F. GANUCHEAU
CLERK

CAUSE
(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

ATTORNEYS

R. K. Weaver
404 Expressway Tower - LB35
6112 W. General Expressway
Dallas, Texas 75206
214/739-6464

William C. Zapalac
Asst. Attorney General
Enforcement Division
200 West 14th St.
Supreme Court Building
Austin, Texas 78711
512/463-2140

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

DC 11A
(Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	G-89-376 DOCKET NO. _____ PAGE ___ OF ___ PAGES
CARLOS DELUNA		JAMES A. LYNAUGH, Director, TEXAS DEPARTMENT OF CORRECTIONS	
DATE	NR.	PROCEEDINGS	
11/30/89	1	PTNR'S APPLICATION FOR WRIT OF HABEAS CORPUS, filed. /mb	
11/30/89	2	MEMORANDUM OF LAW ON APPLICATION FOR WRIT OF HABEAS CORPUS, filed. /mb	
11/30/89	3	ATTY. WEAVER'S MOTION FOR COUNSEL TO APPEAR PRO HAC VICE , filed. /mb (no proposed order)	
11/30/89	4	PTNR'S APPLICATION FOR STAY OF EXECUTION, filed. /mb	
11/30/89	5	MEMORANDUM OF LAW ON APPLICATION FOR STAY OF EXECUTION, filed. /mb	
11/30/89	6	RESPONDENT'S MOTION TO DISMISS FOR ABUSE OF THE WRIT AND, ALTERNATIVELY, ANSWER, MOTION FOR SUMMARY JUDGMENT, AND SUPPORTING BRIEF, filed. mb/Dkt'd 12/1/89	
12/1/89	7	STATE COURT RECORDS (for second state habeas corpus application), filed. (in one separate expanding folder) /mb	
12/2/89	8	<u>(HWHJr/az) TELEPHONE CONFERENCE CALL</u> MINUTES, filed. Case called. Ptnr given Opportunity to respond to Deft's Motion to Dismiss for Abuse of Writ. Arguments of counsel heard. Matters taken under advisement. /mb	
12/2/89	9	TRANSCRIPT OF TELEPHONE CONFERENCE held 12/2/89, filed. (1 volume of 26 pages) /mb	
12/2/89	10	(HWHJr) ORDER DENYING PETITIONS FOR HABEAS CORPUS AND FOR STAY OF EXECUTION, entered. *Parties/n;mb	
12/2/89	11	(HWHJr) JUDGMENT, entered. Ptnr. denied all relief requested in his application for stay of execution. *Parties/n;mb	
12/2/89	12	PTNR'S MOTION FOR RELIEF FROM ORDER, MOTION FOR CERTIFICATE OF PROBABLE CAUSE AND NOTICE OF APPEAL, filed. (faxed to 5th Circuit) /mb	
12/2/89		The following documents were sent via Federal Express to the 5th Circuit: 1) Cert. copy of Order Denying Ptn. f/Writ of Habeas (D.E. #10) 2) Cert. copy of Judgment (D.E. #11) 3) Cert. copy of Motion for Relief, Motion for Cert. of PC, & Notice of Appeal (D.E. #12) 4) copy of Transcript (D.E. #9) 5) various state court documents from original record including: letter from Ct. of Criminal Appeals to Judge Brown; Findings of Fact & Order; Statement of Facts/ Hearing on Motion for New Trial; Statement of Facts/ Punishment 7/21/89; and Volume 1 of 13th Ct. of Appeals Appellate Record. /mb	

DC 111A
(Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF CARLOS DELUNA	DEFENDANT JAMES A. LYNAUGH	C-89-336 DOCKET NO. _____ PAGE ___ OF ___ PAGES
-----------------------------------	--------------------------------------	--

DATE	NR.	PROCEEDINGS
12/2/89	*	Re: Notification of HWHJr's ruling - The following were notified via omnifax: 5th Circuit, Attorney General/Zapalac, Ptnr's Atty. Weaver & U.S. Supreme Court.
12/2/89		All persons notified of 12/2/89 ruling either by telephone or mail as per written instructions from Houston with the exception of the Governor & Director, T.D.C. as they were unable to be reached (weekend). 12/4/89 - Governor & Director T.D.C./n by phone;mb
12/4/89	13	(HWHJr) ORDER, entered. Ptnr granted a certificate of probable cause. Parties/n mb (omnifaxed to 5th Circuit/mb)