

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

PHILIP R. WORKMAN,)	
)	
Plaintiff,)	
)	
v)	No.
)	
)	CAPITAL CASE
DR. BRUCE LEVY, in his official capacities)	EXECUTION DATE
as the Chief Medical Examiner for the)	1 A.M., MARCH 30, 2001
State of Tennessee and Medical)	
Examiner for the Metropolitan)	
Government of Nashville and)	
Davidson County, Tennessee; and)	
)	
Ricky BELL, in his official capacity as)	
Warden, Reverend Maximum)	
Security Institution.)	

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to 42 U.S.C. § 1983 and the First Amendment to the United States Constitution, Plaintiff Philip Workman respectfully requests that this Court enjoin the Defendant Dr. Bruce Levy from performing an autopsy on his body. In support thereof, Mr. Workman shows:

1. The State of Tennessee intends to kill Mr. Workman on March 30, 2001, 1:00 a.m., by injecting lethal chemicals into his body.
2. After any execution of Mr. Workman, Dr. Levy intends to perform an autopsy on his body.
3. Mr. Workman has a sincerely held religious belief that performing an autopsy on his body would amount to desecrating a Temple of God. See 1/29/01 Declaration of Philip Workman, attached as Exhibit 1 to Mr. Workman's Complaint.

4. As demonstrated by the accompanying memorandum of law, each of the four factors this Court considers in determining whether to grant an injunction counsels in favor of enjoining Dr. Levy from performing an autopsy on Mr. Workman's body.

WHEREFORE, Mr. Workman respectfully requests that this Court:

1. Enter a preliminary injunction enjoining Dr. Levy from performing an autopsy on his body; and
2. Order such other relief as this Court deems just.

Respectfully submitted,

Donald E. Dawson
Post-Conviction Defender

Marjorie A. Bristol
Assistant Post-Conviction Defender

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CERTIFICATE OF SERVICE

I certify that on March 29, 2001, I hand-delivered a copy of the foregoing to:

Paul Summers
ATTORNEY GENERAL AND REPORTER
500 Charlotte Avenue
Nashville, Tennessee 37243; and

Karl F. Dean
Director of Law
Law Department for the Metropolitan Government of
Nashville and Davidson County, Tennessee
204 Metro Courthouse
Nashville, Tennessee 37201

Donald E. Dawson