

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CECIL C. JOHNSON, JR.,)
)
 Plaintiff,)
)
 v.) **Civil Action No. _____**
)
 PHIL BREDESEN, Governor of the)
 State of Tennessee; GEORGE M.)
 LITTLE, Commissioner of the)
 Tennessee Department of Correction; and)
 RICKY J. BELL, Warden, Riverbend)
 Maximum Security Institution, in their)
 official capacities only,)
)
 Defendants.)

**PLAINTIFF'S MOTIONS FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiff, Cecil C. Johnson, Jr., hereby moves the Court under Rule 65, Fed. R. Civ. P., for a temporary restraining order and, upon a hearing, for a preliminary and permanent injunction prohibiting his judicial execution by the State of Tennessee (acting through Defendants named above in their official capacities only). Plaintiff's execution is currently scheduled to take place at 1:00 a.m. CST on Wednesday, December 2, 2009 within the execution chamber at Riverbend Maximum Security Institution.

As set forth in Plaintiff's Verified Complaint and the accompanying Memorandum of Law offered in support of this Motion, Plaintiff's execution under the unique facts and circumstances of this case would constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the United States Constitution and Article I, § 16 of the Tennessee Constitution.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by email and hand-delivery upon Jennifer L. Smith, Esq., Associate Deputy Attorney General, 425 Fifth Avenue North, Second Floor, Nashville, TN 37202, this the 25th day of November, 2009.

s/James G. Thomas