

Opinion in Chambers

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SUPREME COURT OF THE UNITED STATES

No. 06A592

RODGER STROUP, DIRECTOR, SOUTH CAROLINA
DEPARTMENT OF ARCHIVES AND HISTORY,
ET AL. *v.* THOMAS L. WILLCOX ET AL.

ON APPLICATION FOR STAY

[December 18, 2006]

CHIEF JUSTICE ROBERTS, Circuit Justice.

The State of South Carolina and Rodger Stroup, the director of the State’s Department of Archives and History, apply for a stay of the judgment issued by the Court of Appeals for the Fourth Circuit pending the filing and disposition of a petition for writ of certiorari in this Court. Their request fails to meet our standard for such relief. See *Barnes v. E-Systems, Inc. Group Hospital Medical & Surgical Ins. Plan*, 501 U. S. 1301, 1302 (1991) (SCALIA, J., in chambers).

Moreover, a request for extraordinary equitable relief is certainly undermined when the central argument pressed was only mentioned by applicants in passing in the court below. Applicants’ request is based almost exclusively on the Court of Appeals’ failure to certify to the Supreme Court of South Carolina contested questions of state property law. In their initial submission to the Court of Appeals, however, applicants requested that the court rule on the merits of the matter. They merely noted that certification “is an option for [the] Court if it wants guidance from the South Carolina Supreme Court.” Brief for Appellants in No. 06–1179 (CA4), p. 37, n. 9.

Accordingly, the request for a stay is denied.