

**06-6407 PANETTI V. QUARTERMAN**

DECISION BELOW:448 F3d 815

LOWER COURT CASE NUMBER: 04-70045

**QUESTIONS PRESENTED:**

Does the Eighth Amendment permit the execution of a death row inmate who has a factual awareness of the reason for his execution but who, because of severe mental illness, has a delusional belief as to why the state is executing him, and thus does not appreciate that his execution is intended to seek retribution for his capital crime?

CERT. GRANTED 1/5/2007

THE PARTIES ARE DIRECTED TO FILE SUPPLEMENTAL BRIEFS ADDRESSING THE FOLLOWING QUESTION: MUST PETITIONER'S HABEAS APPLICATION BE DISMISSED AS "SECOND OR SUCCESSIVE" PURSUANT TO 28 U. S. C. §2244? EXPEDITED BRIEFING.