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

TONY VON CARRUTHERS,	)	
	)	**CAPITAL CASE**
Plaintiff,	)	**EXECUTION: May 21, 2026**
	)	
v.	)	**No. 3:26-cv-540**
	)	
JONATHAN SKRMETTI, in his official capacity as Attorney General and Reporter of the State of Tennessee,	)	**Judge Richardson**
	)	
HEIDI KUHN, in her official capacity as Shelby County Clerk of Court,	)	
	)	
STEVE MULROY, in his official capacity as District Attorney for the 30th Judicial District,	)	
	)	
CERELYN DAVIS, in her official capacity as Chief of Memphis Police,	)	
	)	
DAVID RAUSCH, in his official capacity as Director of the Tennessee Bureau of Investigation,	)	
	)	
DR. SCOTT COLLIER, in his official capacity as Chief, Shelby County Medical Examiner,	)	
	)	
FRANK STRADA, in his official capacity as Commissioner of the Tennessee Department of Correction, and	)	
	)	
KENNETH NELSEN, in his official capacity as Warden of the Riverbend Maximum Security Institution,	)	
	)	
Defendants.	)	

STATE DEFENDANTS' RESPONSE IN OPPOSITION TO
PLAINTIFF'S EMERGENCY MOTION FOR PRELIMINARY INJUNCTION AND FOR STAY OF EXECUTION

INTRODUCTION

After hearing overwhelming evidence of guilt, a jury sentenced Tony Carruthers to death for the kidnap and murder of three victims he buried alive. Those convictions and sentences have withstood scores of direct and collateral attacks. Now, after decades of litigation, Carruthers asks the federal judiciary to stop his upcoming execution for additional fingerprint testing. The Court lacks a legal basis to do so. The claims asserted here suffer procedural and substantive faults that preclude the requested emergency relief.

Though not constitutionally required, Tennessee lets inmates assert their "actual innocence" when they discover new scientific evidence. And to aid those endeavors, Tennessee lets inmates access and test evidence from the prosecution under the Post-Conviction Fingerprint Analysis Act. But the path to additional discovery is limited—lest every capital inmate request a fishing expedition to delay his impending execution. Inmates must meet threshold requirements for testing, including showing that the testing, if it yielded favorable results, would have made a difference in their case. Carruthers failed to clear that bar in state court, and the Tennessee courts denied his request for further discovery.

So now he seeks in federal court what the state courts would not give him—and more. Generally, attacks on an inmate's conviction in federal court must satisfy the "stringent standards for relief" under the Antiterrorism and Effective Death Penalty Act. *Bergman v. Howard*, 54 F.4th 950, 953 (6th Cir. 2022). Carruthers does not take that path here. Rather, he seeks relief under 42 U.S.C. § 1983, which provides a narrow path to challenge the *process* that Tennessee affords him to seek post-conviction discovery in the form of fingerprint analysis. *Dist. Att'y's Office for Third Judicial Dist. v. Osborne*, 557 U.S. 52, 69 (2009). While that challenge can earn him access to evidence if successful, the process challenge can never undermine the conviction. *Id*. at 66. Because the pathway is open only to a suit for process, process is all an inmate can win. So

Carruthers comes to this Court seeking relief—a stay of execution—that this Court simply cannot grant.

Regardless, the Court should not grant relief. Carruthers cannot satisfy any of the four prerequisites for extraordinary relief. His so-called due process challenge is no more than an invitation for this Court to second-guess Tennessee courts' interpretation of Tennessee law. Thus, Carruthers never shows a denial of process. And his decades of litigation—including the rigorous litigation in Tennessee courts that spawned this suit—makes clear that Tennessee never denied Carruthers access to the courts.

And jurisdictional problems abound. On standing, going claim by claim and defendant by defendant, Carruthers cannot connect the dots from his alleged deprivation of postconviction discovery to his request for a stay. And the *Rooker-Feldman* doctrine precludes this Court from exercising appellate review over a state-court judgment.

Nor should this Court condone Carruthers's delay tactics. Carruthers had decades to attack his conviction. But rather than bring timely claims, he needlessly prolonged his postconviction litigation and waited even longer to bring this suit. By demanding a last-minute stay, Carruthers's litigation strategy seems more interested in delay than pursuing his claims. The State's "strong interest" in finality and the victims' right to closure demand a stop to these "abusive delay" tactics through "last-minute attempts to manipulate the judicial process." *Gomez v. U.S. Dist. Court*, 503 U.S. 653, 654 (1992).

In short, Carruthers's last-ditch effort falters at every step. His desired relief is unmoored from his claims, he has no path to victory on the merits, and the equities are against him. "Last-minute stays should be the extreme exception, not the norm." *Bucklew v. Precythe*, 587 U.S. 119, 150 (2019). This case is not the exception.

BACKGROUND

I. Tennessee Post-Conviction Fingerprint Analysis Act

Tennessee allows convicted murderers to seek post-conviction fingerprint analysis of evidence relevant to their conviction, but only if they can meet threshold requirements. Under the Fingerprint Act, a defendant convicted of first-degree murder may, at any time, "file a petition" seeking fingerprint analysis "of any evidence that is in the possession or control of the prosecution . . . related to the . . . conviction and that may contain fingerprint evidence." Tenn. Code Ann. § 40-30-403. There are two paths to testing.

First, the court *shall* order fingerprint analysis if it finds that (1) there is a "reasonable probability" that the inmate would not have been convicted, presuming the evidence was exculpatory; (2) the evidence still exists; (3) the evidence has not already been tested; and (4) the request is not made to "delay the execution of sentence." Tenn. Code Ann. § 40-30-404. Second, the court *may* order fingerprint analysis if it finds the last three criteria are met and there is a "reasonable probability" that the inmate would have received a more favorable verdict or sentence. Tenn. Code Ann. § 40-30-405.

Settled rules govern evaluation of these criteria. "A reasonable probability is a probability sufficient to undermine the confidence in the conviction or prosecution." *Brown v. State*, No. W2024-01291-CCA-R3-ECN, 2025 WL 1514669, at *6 (Tenn. Crim. App. May 28, 2025) (citing *Powers v. State*, 343 S.W.3d 36, 55 (Tenn. 2011)), *perm. app. denied* (Tenn. Oct. 9, 2025). In all cases, the post-conviction court should consider the trial evidence, the case's various appellate opinions, and the parties' stipulations, if any. *Alley v. State*, No. W2004-01204-CCA-R3-PD, 2004 WL 1196095, at *3 (Tenn. Crim. App. May 26, 2004). A court "need not hold an evidentiary hearing to determine whether testing should be granted." *Brown*, 2025 WL 1514669, at *6. "[C]ourts should presume the testing will be exculpatory." *Id.* "[A]nd the court's determination is reviewed for abuse of discretion." *Id.* (citing *Barnes v. State*, No. M2022-00367-CCA-R3-PC,

2022 WL 4592092, at *6 (Tenn. Crim. App. Sept. 30, 2022) (no perm. app. filed)).

If the court orders fingerprint analysis and it proves favorable, then the petitioner may move to reopen his post-conviction proceedings based on "new scientific evidence establishing that the petitioner is actually innocent of the offense." Tenn. Code Ann. §§ 40-30-117(a). The fundamental interest underlying the Post-Conviction Fingerprint Act, like the Post-Conviction DNA Act, is "to aid in the exoneration of those who are wrongfully convicted." *Powers*, 343 S.W.3d at 51. Indeed, the Act requires that "[t]he application for analysis [be] made for the purpose of demonstrating innocence." Tenn. Code Ann. §§ 40-30-404(4) and -405(4). In that way, the Fingerprint Act is a statutory discovery tool that aids postconviction petitioners in establishing actual innocence claims.

II. Carruthers's Conviction and Decades of Collateral Attacks

A jury sentenced Carruthers to death for the murders of Marcellos Anderson, his mother Delois Anderson, and Frederick Tucker. *State v. Carruthers*, 35 S.W.3d 516, 531-32 (Tenn. 2000), *cert. denied*, 533 U.S. 953 (2001). An eyewitness saw Carruthers with the victims the night—indeed, hours before—he and his co-defendants kidnapped, beat, shot, and buried them alive. *Id.* at 526-28. Several of Carruthers's acquaintances testified that he plotted the murders in the preceding months and then bragged about them afterward. *Id.* at 524, 527-529. He described to friends and other inmates before the murders his "master plan" that he felt was a "winner": burying bodies in an empty grave in a cemetery. *Id*. at 524. In his words, "if you ain't got no body, you don't have a case." *Id.* Other prisoners overheard Carruthers discussing his plans to "rob" and "get" Mr. Anderson with fellow inmate and eventual co-defendant James Montgomery. *Id.* By the time police found the bodies, someone else had been buried on top of the victims. *Id.* at 527. Carruthers lamented to another inmate before trial that police would not have found the victims if another co-defendant, Jonathan Montgomery, "wouldn't have went and told them folks" where the bodies were. *Id.* at 529.

Based on that evidence, and much more, Carruthers's convictions and sentences have survived exhaustive review. The Tennessee Supreme Court affirmed Carruthers's convictions and sentences on direct appeal. *Id.* at 572. And Carruthers unsuccessfully pursued state post-conviction, state habeas, and federal habeas relief. *See Carruthers v. State*, No. W2006-00376-CCA-R3-PD, 2007 WL 4355481, at *1 (Tenn. Crim. App. Dec. 12, 2007) (affirming denial of post-conviction relief), *perm. app. denied* (Tenn. May 27, 2008); *Carruthers v. Worthington*, No. E2007-01478-CCA-R3-HC, 2008 WL 2242534, at *1 (Tenn. Crim. App. June 2, 2008) (affirming denial of state habeas relief) (no perm. app. filed); *Carruthers v. Mays*, 889 F.3d 273, 293 (6th Cir. 2018) (affirming denial of federal habeas relief). Carruthers's several bids for post-conviction DNA analysis and post-conviction reopening also failed. *Carruthers v. State*, No. W2012-01473-CCA-R3-PD, 2013 WL 3968787, at *5 (Tenn. Crim. App. Aug. 1, 2013) (affirming denial of post-conviction DNA analysis), *perm. app. denied* (Tenn. Dec. 10, 2013); *Carruthers v. State*, No. W2012-01361-CCA-R28-PD (Tenn. Crim. App. Sept. 10, 2012) (order dismissing appeal of motion to reopen) (no perm. app. filed), attached as Ex. 1; *Carruthers v. State*, No. W2016-01950-CCA-R3-PD (Tenn. Crim. App. Aug. 9, 2017) (order dismissing appeal of motion to reopen) (no perm. app. filed), attached as Ex. 2. These avenues exhausted, the Tennessee Supreme Court last year set Carruthers's execution for May 21, 2026. Order, *State v. Carruthers*, No. W1997-00097-SC-DDT-DD (Tenn. Sept. 30, 2025) (order setting execution date), attached as Ex. 3.

Now, Carruthers has launched a bevy of last-ditch efforts to avoid execution. He filed a competency claim that failed last month and is pending on appeal at the Tennessee Supreme Court. *See State v. Carruthers*, Nos. 94-02797-99, 95-11128-29 (Shelby Cnty. Crim. Ct. Mar. 16, 2026) (order finding Carruthers competent to be executed), attached as Ex. 4; *State v. Carruthers*, No. W1997-00097-SC-DDT-DD (Tenn. Apr. 6, 2026) (Carruthers's brief in competency appeal), attached as Ex. 5. He filed an improper petition for post-conviction DNA testing with the Tennessee Supreme Court that was rejected. Order, *State v. Carruthers*, No. W1997-00097-SC-

DDT-DD (Tenn. Apr. 30, 2026). And he requested a stay of execution that was denied. *State v. Carruthers*, No. W1997-00097-SC-DDT-DD (Tenn. Feb. 17, 2026), attached as Ex. 6.

III. Carruthers's State-Court Fingerprint Petition

Carruthers's litigation about fingerprints—which underlies this suit—has also been fruitless. Five years ago, Carruthers asked, *pro se*, for testing of evidence collected at a victim's home. *Carruthers v. State*, No. W2026-00226-CCA-R3-PD, 2026 WL 1031140, at *6 (Tenn. Crim. App. Apr. 16, 2026) (no perm. app. filed). Rather than amend his *pro se* petition or litigate the merits, Carruthers's appointed counsel then attempted to disqualify the Attorney General representing the State in that proceeding. *See* Federal Appointment Order, Ex. 7; Postconviction Motion to Disqualify, Ex. 8. Two and a half years later, Carruthers perfunctorily abandoned that dispute. *See* Postconviction Motion Withdrawal, Ex. 9. The State then promptly opposed the petition, and Carruthers countered by amending his petition—about four years after he launched the case. Compl., Dkt. 1 at 18-19.[1] The amended petition sought to compare fingerprints from Ms. Anderson's home to the "known latent prints of Ronnie Irving." *Carruthers*, 2026 WL 1031140, at *6. Carruthers claimed that evidence discovered in 2010 showed that Irving was the "kidnap man" and that Carruthers played no role in the crimes. *Id.* He did not explain why he waited fifteen years—from 2010 until 2025—to present this argument. *Id.* Carruthers also claimed that the State suppressed evidence that a witness against him was a paid informant for the State in other cases. *Id.* at *9.

The post-conviction court summarily dismissed Carruthers's petition, concluding that he was not entitled to mandatory or discretionary testing, and the Tennessee Court of Criminal Appeals ("CCA") affirmed. *Id.* at *1, *6. The court explained that, for three reasons, even if the testing revealed Irving's fingerprints at a victim's home, that would not have changed the verdict,

[1] Document citations use the pagination imposed by the Court's electronic filing system.

sentence, or the decision to prosecute because it would not have undermined any of the evidence against Carruthers. *Id.* at *9. "First, even if Mr. Irving's fingerprints had been found in Mrs. Anderson's residence prior to the indictment and/or trial and/or sentencing in this case, there was no proof explaining the relevance of the fingerprints at that time." *Id*. at *8 (alteration adopted). "Second, even if there had been proof that Mr. Irving was involved, that fact would not have eliminated the possibility that [Carruthers] was involved." *Id*. "Third, there was overwhelming evidence, as noted by the State in this case, that [Carruthers] was involved in this case." *Id*. And Carruthers's arguments about the informant played no part in the Fingerprint Act analysis because the Act "is not an avenue for allegations of newly discovered evidence unrelated to fingerprint analysis." *Id.* at *9.

At no point during the post-conviction proceedings or in the CCA did Carruthers claim that his due process or access-to-courts rights were violated. The deadline for petitioning the CCA for rehearing has passed, and he has not yet sought further review in the Tennessee Supreme Court. *See* Tenn. R. App. P. 11(b) (setting a sixty-day deadline for seeking review in the Tennessee Supreme Court), 39 (setting a ten-day deadline for petitioning a Tennessee appellate court for rehearing).

IV. Carruthers's Late-Breaking Federal Claims

Now, Carruthers turns to this Court, bringing facial and as-applied constitutional challenges to the Fingerprint Act under two theories. *See generally* Compl., Dkt. 1. First, he claims Tennessee courts denied him due process by improperly applying the Fingerprint Act to his case. *Id.* at 24-36. Second, he claims Tennessee courts' "unreasonable interpretation" of the Fingerprint Act denied him access to the courts by cutting off access to the evidence he wants tested. *Id*. at 36-39. Based on these claims, Carruthers asks this Court for a stay of his execution. Mot., Dkt. 3 at 4-5.

LEGAL STANDARD

Preliminary injunctions and stays of executions are both "tightly guarded" equitable remedies available only in "extraordinary cases." *Doe v. Lee*, 137 F.4th 569, 575 (6th Cir. 2025); *In re Black*, 148 F.4th 375, 381 (6th Cir. 2025). Courts "ought to guard [them] with extreme caution," lest they become tools "of irreparable injustice." *Doe*, 137 F.4th at 575 (citation and quotation marks omitted). To obtain either remedy, the applicant must show all four of: (1) likelihood of success on the merits; (2) irreparable harm absent a stay; (3) that the stay will not cause substantial harm to others; and (4) that the stay serves the public interest. *In re Black*, 148 F.4th at 381; *EOG Resources, Inc. v. Lucky Land Mgmt., LLC*, 134 F.4th 868, 874 (6th Cir. 2025). That showing must be "clear"—a standard "much higher" than that required at summary judgment. *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997).

ARGUMENT

I. Carruthers Cannot Obtain a Stay of Execution for Claims That Do Not Undermine His Conviction, His Sentence, or the Method of Execution.

The Court can deny Carruthers's motion outright because his requested relief is unmoored from the claims in his complaint. Carruthers presses a procedural challenge to Tennessee postconviction statutes. With those claims, all he could hope to win is an order directing the production of evidence for testing—not an alteration of his conviction or sentence. But his motion seeks only to prevent his execution. Mot., Dkt. 3 at 8. This Court cannot grant him preliminarily what it could not grant him at final judgment.

There is no "basis in the traditional powers of equity courts"—which dictate this Court's jurisdiction—for an injunction dealing with matters beyond the claims in the suit. *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 318-19, 326-27 (1999). Federal courts may only grant "intermediate relief of the same character as that which may be granted finally." *De Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945). Put another

way: "a party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party's motion and the conduct asserted in the complaint." *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994); *Little v. Jones*, 607 F.3d 1245, 1251 (10th Cir. 2010); *see Alabama v. United States Army Corps of Engineers*, 424 F.3d 1117, 1127-28 (11th Cir. 2005). "The propriety of a preliminary injunction . . . is determined by the nature of the *final* relief sought." *Leadenhall Capital Partners LLP v. Advantage Cap. Holdings LLC*, 171 F.4th 155, 165 (2d Cir. 2026) (emphasis in original). The relief must fit the claims.

Here, no "final injunction that may be entered" would change Carruthers's murder conviction and death sentence. *De Beers*, 325 U.S. at 220. Carruthers brings procedural-due-process and access-to-courts challenges to the application of the Fingerprint Act. "Success in the suit gains for [Carruthers] only access to the [requested] evidence, which may prove exculpatory, inculpatory, or inconclusive." *Skinner v. Switzer*, 562 U.S. 521, 525 (2011). "Although invalidating his conviction is of course his ultimate goal, giving him the evidence he seeks would not necessarily imply the invalidity of his confinement." *Osborne*, 557 U.S. at 66 (quotation marks omitted and alteration adopted); *Skinner*, 562 U.S. at 525. To upend his death sentence, Carruthers would have to prevail here, obtain "testing [that] exonerates him," and then "bring an entirely separate suit or a petition for clemency to invalidate his conviction." *Osborne*, 557 U.S. at 66. No judgment in this Section 1983 lawsuit could ever stop Carruthers's execution. *Skinner*, 562 U.S. at 534.

So there is no fit between relief and claims. Whether Carruthers will be executed "deals with a matter lying wholly outside the issues in th[is] suit." *De Beers*, 325 U.S. at 220. Where "the ultimate legal claim" is that Tennessee must produce evidence to Carruthers for testing—not that it may not constitutionally execute him—"there is no basis for enjoining" that execution.

Winter v. Natural Resources Def. Council, 555 U.S. 7, 32-33 (2008). In short, the mismatch[2] between Carruthers's claims and his requested emergency relief dooms his motion.

II. Carruthers Has No Likelihood of Success on the Merits.

Preliminary relief is also unwarranted because Carruthers has not proven he is likely to succeed on either of his theories. That failure is dispositive. *Cooey v. Strickland*, 604 F.3d 939, 946 (6th Cir. 2010).

A. The due process claim fails because Carruthers received fair process; he just dislikes the outcome.

Carruthers cannot succeed on his claim that "[t]he state courts violated [his] procedural due process rights by arbitrarily denying fingerprint analysis when his petition satisfied the requirements of the Fingerprint Act." Compl., Dkt. 1 at 34. Procedural due process prevents the government from depriving liberty in a manner that offends fundamental principles of justice or transgresses fundamental fairness. Nothing about the Act does that.

"No State shall . . . deprive any person of life, liberty, or property, without due process of law[.]" U.S. Const. amend. XIV. "Procedural due process rules are meant to protect persons . . . from the mistaken or unjustified deprivation of life, liberty, or property." *Carey v. Piphus*, 435 U.S. 247, 259 (1978). "[T]he deprivation by state action of a constitutionally protected interest in life, liberty, or property is not in itself unconstitutional; what is unconstitutional is the deprivation of such an interest without due process of law." *Zinermon v. Burch*, 494 U.S. 113, 125 (1990) (cleaned up).

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[2] That mismatch mirrors Carruthers's standing problems. *See* Part II(D), *infra*, at 17-20. The only defendants to this lawsuit tasked with carrying out his execution—and therefore the only defendants this Court could enjoin from doing so—are Commissioner Strada and Warden Nelsen. But Carruthers cannot prove that either of them has anything to do with his alleged procedural due process violation. *Id.*; *cf. Little*, 607 F.3d at 1251 (denying injunction when plaintiff had not "alleged that the defendants named in the complaint participated in the alleged deprivations" of rights). Carruthers has failed to peg a claim to a party against whom this Court can give him relief.

Thus, to succeed on his claim, Carruthers must prove that: (1) he had a life, liberty, or property interest protected by the Due Process Clause; (2) he was deprived of that protected interest; and (3) that Tennessee did not afford him adequate procedure before depriving him. *Wedgewood Ltd. P'ship I v. Twp. of Liberty*, 610 F.3d 340, 349 (6th Cir. 2010). He cannot.

States have no constitutional duty to provide post-conviction relief, much less discovery tools like the Fingerprint Analysis Act. *Pennsylvania v. Finley*, 481 U.S. 551, 556-57 (1987). And just as Carruthers has "no freestanding substantive due process right to DNA testing," he has no such right to fingerprint testing. *In re Frederick J. Smith*, 349 F. App'x. 12, 15 (6th Cir. 2009) (citing *Osborne*, 557 U.S. at 71). But when State law allows a prisoner to upend his conviction by establishing that he is innocent, that "state-created right can, in some circumstances, beget yet other rights to procedures essential to the realization of the parent right." *Osborne*, 557 U.S. at 68 (citation and quotation marks omitted). So Carruthers can have a liberty interest in attacking his conviction as a product of Tennessee law.

But that liberty interest is not the same "as a free man['s]" because Carruthers was "proved guilty after a fair trial." *Id*. So the State "has more flexibility" to decide "what procedures are needed" for postconviction relief. *Id*. at 69. "[D]ue process does not dictate the exact" procedures the State must adopt. *Id*. (alteration adopted). Instead, federal courts may only upset the State's procedures if they are "fundamentally inadequate to vindicate the substantive rights provided." *Id*. Thus, the ultimate "question is whether consideration of [Carruthers's] claim" by Tennessee courts "offend[ed] some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental, or transgresse[d] any recognized principle of fundamental fairness in operation." *Id*. (cleaned up).

Meeting that standard is extremely difficult because "the category of infractions that violate 'fundamental fairness'" are "very narrow[]." *Medina v. California*, 505 U.S. 437, 443 (1992). That is because, beyond "specific . . . enumerated" rights, due process "has limited operation." *Id*.

(citation and quotation marks omitted). Constitutional criminal procedure rights are "explicit;" so courts should not "expan[d]" them "under the open-ended rubric of the Due Process Clause." *Id*. at 443-44. That "invites undue interference with both considered legislative judgments and the careful balance that the Constitution strikes between liberty and order." *Id*. at 443. It is a tall order to show a State has been fundamentally unfair when giving inmates postconviction discovery tools to aid them in actual innocence claims.

Here, there is "nothing inadequate about the procedures [Tennessee] has provided to vindicate its state right to postconviction relief in general, and nothing inadequate about how those procedures apply to those who seek access to [fingerprint] evidence." *Osborne*, 557 U.S. at 69. Indeed, two critical features of the Fingerprint Analysis Act demonstrate that it is not fundamentally inadequate to vindicate the substantive state-law right to "establish[] innocence." *Id*. at 70.

First, Tennessee courts presume fingerprint analysis will yield favorable results when considering whether testing is worthwhile in light of other evidence. *Howell v. State*, No. E2022-01480-CCA-R3-PC, 2023 WL 5216980, at *6 (Tenn. Crim. App. Aug. 15, 2023) (no perm. app. filed); *Smith v. State*, No. M2021-01339-CCA-R3-PD, 2022 WL 854438, at *16 (Tenn. Crim. App. Mar. 23, 2022), *perm. app. denied* (Tenn. Apr. 6, 2022). That presumption ensures that no prisoner is denied relief for lack of access to the very evidence sought. Because the state court applied that presumption here, Carruthers had a fundamentally fair shot at relief. *Carruthers*, 2026 WL 1031140, at *8 ("assuming arguendo that Mr. Irving's fingerprints had been located in Mrs. Anderson's residence").

Other circuits have rejected due-process challenges even when a State refuses to assume DNA testing would "produce exculpatory results." *Cf. McKithen v. Brown*, 626 F.3d 143, 153 (2d Cir. 2010). They explain that such a "procedure[] [does not] sink to th[e] level of fundamental inadequacy" and "cannot be said to conflict with the traditions and conscience of our people or

any recognized principle of fundamental fairness." *Id*. (cleaned up). The prisoner-friendly presumption in Tennessee, then, goes above and beyond what due process requires by ensuring that requests for testing are assessed based on prisoners' best-case allegations about what that testing will show.

Second, the Act's provisions for mandatory and discretionary testing both use the reasonable probability standard blessed by the Supreme Court in *Osborne*. Tenn. Code Ann. §§ 40-30-404(1), -405(1); *Osborne*, 557 U.S. at 64. A mountain of precedent applies the same reasonable probability standard to assess the constitutional impact of new evidence and trial errors. *See, e.g., Kyles v. Whitley*, 514 U.S. 419, 433 (1995) ("[F]avorable evidence is material . . . if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.") (quotation marks omitted); *Strickland v. Washington*, 466 U.S. 668, 695 (1984) (holding, for ineffective assistance claims, "the question is whether there is a reasonable probability that, absent the errors, the factfinder would have had a reasonable doubt respecting guilt"). Because using reasonable probability is supported by history and precedent, *Medina*, 505 U.S. at 446, fundamental fairness requires nothing more here.

Ample authority supports that conclusion. "Other than substituting the word fingerprint for DNA, [the Fingerprint Act] is identical to the test in the Post-Conviction DNA Analysis Act." *Brown*, 2025 WL 1514669, at *5. And the Sixth Circuit has already held that Tennessee's "requirements for securing DNA analysis under the Act do not themselves create any unconstitutional deprivation." *Alley v. Key*, No. 06-5552, 2006 WL 1313364, at *2 (6th Cir. May 14, 2006), *cert. denied* 548 U.S. 921 (2006). Similarly, this Court has held that the DNA Act does not violate inmates' right to procedural due process. *Smith v. Lee*, No. 3:22-cv-00280, 2022 WL 1182699, at *11 (M.D. Tenn. Apr. 20, 2022); *Castanon v. Johnson*, No. 3:11-cv-00875, 2012 WL 874683, at *3 (M.D. Tenn. Mar. 14, 2012). There is no reason to treat the Fingerprint Act differently.

The Fingerprint Act is also "similar to" the federal Innocence Protection Act of 2004, which the Supreme Court cited with approval in *Osborne*, 557 U.S. at 70. *Castanon*, 2012 WL 874683, at *2 (citing 18 U.S.C. §3600(a)). For example, the federal statute requires that the proposed DNA testing may produce new material evidence that would "raise a reasonable probability that the applicant did not commit the offense." 18 U.S.C. §3600(a)(8)(B). The Fingerprint Act similarly mandates court-ordered fingerprint analysis where a "reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through fingerprint analysis." Tenn. Code Ann. § 40-30-404(1). Tennessee's law even goes one protective step further than the federal law by providing that courts "may" order fingerprint analysis relevant to a more favorable "verdict or sentence." Tenn. Code Ann. § 40-30-405(1).

Carruthers wrongly suggests it is fundamentally unfair to consider the materiality of any new fingerprint evidence only in light of the evidence presented at his trial—rather than in light of all his theories decades later. Compl., Dkt. 1 at 28-30. The Fifth Circuit recently rejected that very argument. *Reed v. Goertz*, 136 F.4th 535, 547-48 (5th Cir. 2025), *cert. denied*, 146 S.Ct. 936 (2026). Because "the Due Process Clause requires much less of postconviction procedures than of preconviction ones," due process does not demand augmentation of the state court record in collateral proceedings. *Id*. As in the DNA analysis context, due process does not require that the state courts consider everything Carruthers wants in a fingerprint analysis proceeding. "In short, Tennessee law does not provide [Carruthers] a procedural-due-process right to postconviction [fingerprint] testing and, thus, his allegation that Tennessee violated his constitutional rights by refusing to provide additional [fingerprint] testing fails to state an actionable claim under §1983." *Castanon*, 2012 WL 874683, at *3.

With nothing fundamentally unfair about Tennessee's procedure, this suit is exposed for what it is: a complaint that Tennessee courts got Tennessee law wrong. Carruthers's various claims

can be summed up in his own words: the state courts failed to "properly interpret[] and apply[] the Fingerprint [Analysis] Act" and wrongly concluded that his petition did not "satisf[y] the requirements of the Fingerprint Act." Compl., Dkt. 1 at 34. He thinks the State courts got it all wrong on state-law grounds. But "[i]t is axiomatic that state courts are the final authority on state law." *Hutchison v. Marshall*, 744 F.2d 44, 46 (6th Cir. 1984). And, regardless, "'a mere error of state law' is not a denial of due process." *Id*. (quoting *Gryger v. Burke*, 334 U.S. 728, 731 (1948)). The State courts' careful review and denial of Carruthers's petition through plain application of the Fingerprint Analysis Act does not "offend[] some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental, or transgress[] any recognized principle of fundamental fairness in operation." *Osborne*, 557 U.S. at 69 (cleaned up). So he is unlikely to succeed on that claim.

B. The access-to-courts claim fails because Carruthers was not prevented from pursuing his claim.

Carruthers also cannot prove that the state courts' rejection of his bid for fingerprint testing deprived him access to the courts. Compl., Dkt. 1 at 36-39. "[T]he right of access to the courts is an aspect of the First Amendment right to petition the Government for redress of grievances." *Bill Johnson's Restaurants, Inc. v. NLRB*, 461 U.S. 731, 741 (1983). "Because the right of access is 'ancillary to a lost underlying claim, without which a plaintiff cannot have suffered injury by being shut out of court,' a successful access claim requires a prisoner to show that the defendants have scuttled his pursuit of a 'nonfrivolous, arguable' claim." *Sampson v. Garrett*, 917 F.3d 880, 881 (6th Cir. 2019) (quoting *Christopher v. Harbury*, 536 U.S. 403, 415 (2002)) (alteration adopted). Thus, Carruthers must show that the defendants "somehow prevented him for pursuing a non-frivolous legal claim and that he was prejudiced thereby." *Smith*, 2022 WL 1182699, at *11 (cleaned up) (first citing *Clark v. Corr. Corp. of Am.*, 113 F. App'x 65, 67-68 (6th Cir. 2004) and then citing *Perry v. Knapp*, No. 20-1917, 2021 WL 1102298, at *4 (6th Cir. 2021)).

Here, the Defendants did not prevent Carruthers from pursuing any claim. Carruthers presented his claim for fingerprint testing to the state courts through a petition permitted under the Fingerprint Act. *See* Tenn. Code Ann. § 40-30-303. The state trial and appellate courts fully reviewed that claim but denied relief because Carruthers's petition did not meet the requirements for testing. *Carruthers*, 2026 WL 1031140, at *9. Carruthers had his day in court; he just lost and does not like it. But that is not a deprivation of court access. *Smith*, 2022 WL 1182669, at *11. Carruthers's "right of access to the courts only guarantees his ability to litigate claims, not to win them." *Blackwell v. Mich. Dep't of Corr.*, No. 2:09-cv-71, 2010 WL 3909499, at *8 (W.D. Mich. Aug. 26, 2010). Carruthers is also unlikely to succeed on this claim.

C. The skeletal facial claims also fail.

Carruthers challenges the Fingerprint Act "on its face," but he never buttresses that attack. Compl., Dkt. 1 at 3, ¶ 6. To succeed on a facial challenge, he would have to show the Fingerprint Act is unconstitutional in every application. *United States v. Rahimi*, 602 U.S. 680, 693 (2024). But Carruthers cannot even show it is unconstitutional as applied to him, *see* Part II(A) – (B), *supra*, much less so when applied to others. *Rahimi*, 602 U.S. at 700. So his facial claims fail.

D. Carruthers is likely to fail even before the merits because this Court lacks jurisdiction.

Beyond the merits, Carruthers also must show he will overcome threshold obstacles—like standing and the *Rooker-Feldman* doctrine. *Memphis A. Philip Randolph Institute v. Hargett*, 2 F.4th 548, 554-55 (6th Cir. 2021) (standing); *Hooper v. Brnovich*, 56 F.4th 619, 626-27 (9th Cir. 2022) (*Rooker-Feldman* doctrine). He cannot.

Standing. Carruthers lacks standing to obtain a stay of execution against any of the Defendants. He must demonstrate (1) "an injury in fact," that is (2) "caused by the defendant," and (3) "would be redressed by the requested judicial relief." *FDA v. All. for Hippocratic Medicine*, 602 U.S. 367, 380 (2024). "Standing is not dispensed in gross." *Lewis v. Casey*, 518

U.S. 343, 358 n.6 (1996). Instead, the tripartite analysis is both "defendant-specific" and "claim-specific," *Jones v. Sexton*, No. 3:23-cv-01033, 2025 WL 3000203, at *12 (M.D. Tenn. Oct. 24, 2025) (Richardson, J.), meaning that "[a] plaintiff must allege 'how the requested relief against each of the defendants could redress the plaintiff's alleged injuries-in-fact,'" *id.* (quoting *Universal Life Church Monastery Storehouse v. Nabors*, 35 F.4th 1021, 1031 (6th 2022)) (cleaned up). And here, "analyz[ing] standing claim by claim, and Defendant by Defendant," *id.*, Carruthers cannot establish all three elements of standing with respect to any of the defendants.

Start with the easy ones. Many Defendants could not, if enjoined, secure Carruthers the relief that he seeks. That spells a "redressability defect." *Nabors*, 35 F.4th at 1032. Carruthers seeks (1) the release of fingerprints, *see* Compl., Dkt. 1 at 40-41, and (2) a stay of execution, *see* Mot., Dkt. 3 at 7. As to his first request, General Skrmetti has "exclusive control" over the release of the fingerprints under state law. Tenn. Code Ann. § 40-30-114(c)(1); *see Gutierrez v. Saenz,* 606 U.S. 305, 314-16 (2025). On the second, Warden Nelsen—the "warden of the state penitentiary," supervised by TDOC Commissioner Strada—is tasked with "execut[ing] the defendant." Tenn Code Ann. § 40-23-119. The remaining Defendants can neither release the fingerprints nor pause the execution, so they are in no position to "act or refrain from acting" in a way that would secure Carruthers's sought-after relief. *Nabors*, 35 F.4th at 1032; *see Whole Woman's Health v. Jackson*, 595 U.S. 30, 46 (2021) (courts may issue "equitable relief against only those officials who possess authority to enforce a challenged law"). That means Carruthers's claims against Defendants Mulroy, Kuhn, Davis, Rausch, and Collier flunk standing's redressability prong. *Id.*

But that does not mean that Carruthers's claims may proceed against Defendants Skrmetti, Strada, and Nelsen. As to them, Carruthers has a separate standing problem. He may not, for standing purposes, treat the State Defendants as a "unified whole." *Murthy v. Missouri*, 603 U.S. 43, 61 (2024). In other words, he cannot take an injury-in-fact attributable to one, pair it with an

acceptable form of relief against another, and then claim that he has satisfied standing. Instead, "'plaintiffs must demonstrate standing for each claim that they press' against each defendant, 'and for each form of relief that they seek.'" *Id.* (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 431 (2021)).

Carruthers cannot do that here. His claims posit a cognizable injury that is traceable to General Skrmetti (i.e., withholding the fingerprints), but that injury is not redressed by a stay of execution—it could be remedied only by the release of the fingerprints. And, regardless, because General Skrmetti is not responsible for administering executions, Carruthers cannot "direct this Court to any enforcement authority the attorney general possesses" to conduct executions. *Whole Woman's Health*, 595 U.S. at 43; *cf.* Tenn. Code Ann. § 40-23-119 (tasking the warden with performing the execution). So there is no way "that a federal court might enjoin" General Skrmetti to delay the execution. *Whole Woman's Health*, 595 U.S. at 43.

Meanwhile, the Court *could* delay the execution by enjoining Warden Nelsen and Commissioner Strada, but Carruthers does not allege an "injury" that is "traceable to [Nelsen and Strada's] allegedly unlawful conduct,"[3] because none of their claims turn on "unlawful conduct" by Warden Nelsen or Commissioner Strada. *Roberts v. Progressive Preferred Ins. Co.*, 167 F.4th 955, 961 (6th Cir. 2026). That forecloses standing as to them, too.

For each defendant, the standing puzzle is missing at least one indispensable piece. At bottom, Carruthers aims to leverage an injury attributable to General Skrmetti into relief against

[3] This also presents a sovereign immunity problem for Carruthers. Warden Nelsen and Commissioner Strada enjoy sovereign immunity, *Pennhurst State School & Hosp. v. Halderman*, 465 U.S. 89, 101-02 (1984), that Carruthers may overcome only if his claim is "based on a theory" that they did something unconstitutional, *Fla. Dep't of State v. Treasure Salvors, Inc.*, 458 U.S. 670, 689-90 (1982). Here, though, Carruthers never accuses Warden Nelsen and Commissioner Strada of violating the Constitution. Executing a duly-convicted, duly-sentenced capital offender complies with both the Constitution and their statutory authority. *See Haight v. Jordan*, 59 F.4th 817, 861 (6th Cir. 2023); Tenn. Code Ann. § 40-23-119.

Warden Nelsen or Commissioner Strada. But binding precedent forecloses that jurisdictional sleight of hand. *Cf. Murthy*, 603 U.S. at 61.

Rooker-Feldman Doctrine. In addition to Carruthers's standing problems, this Court lacks subject-matter jurisdiction to hear his claims under the *Rooker-Feldman* doctrine. *Rooker-Feldman* represents the established "general principle" of federal courts that "district courts do not stand as appellate courts for decisions of state courts." *RLR Investments, LLC v. City of Pigeon Forge*, 4 F.4th 380, 387 (6th Cir. 2021) (cleaned up) (quotations omitted). Indeed, "lower federal courts possess no power whatever to sit in direct review of state court decisions," *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 482 n.16 (1983) (quotations omitted), because they "lack[] subject-matter jurisdiction" to hear such cases. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291 (2005). So, as *Rooker-Feldman* explains, lower federal courts may not adjudicate "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Exxon*, 544 U.S. at 284. In the simplest terms, "[t]he test is whether the plaintiff's injury stems from the state-court judgment" as told by the plaintiff's allegations "in the federal complaint." *RLR Investments*, 4 F.4th at 388.

Claims by inmates dressed up as due process challenges routinely flunk that test. For example, in *Simpson v. Quick*, the Tenth Circuit applied *Rooker-Feldman* and declined to review a State court's denial of an inmate's method-of-execution challenge. No. 26-6008, 2026 WL 297077, at *1, 3 (10th Cir. Feb. 4, 2026) (per curiam). Although the inmate presented the case as a Section 1983 procedural due process claim, his allegations belied the assertion. *Id.* at *3. As the panel recognized, his complaint showed he sought review of "the [State court's] ruling in [his State proceeding]," not an independent due process claim. *Id.* at *3. And his request to "[e]njoin the prison from executing [him] until a lawful process is provided" could not be accomplished

"without reversing or otherwise invalidating" the State court judgment. *Id.* at *3. Thus, the district court lacked subject-matter jurisdiction. *Id.* at *4.

Other courts agree. The Ninth Circuit in *Hooper* independently rejected procedural-due-process and related claims—similar to those here—that only "challenge[d] the particular outcome in [plaintiff's] state case." 56 F.4th at 626 (quotations omitted). Even though Arizona did not argue *Rooker-Feldman* on appeal, it was the court's "independent obligation" to ensure subject-matter jurisdiction. *Id.* at 624. And because the "entire premise of the[e] lawsuit" was that "[his] motion for DNA and fingerprint testing should have been granted," *Rooker-Feldman* applied and precluded federal review. *Id.* at 625. The Fifth Circuit reached the same result when a plaintiff "reframed" his request to review a State court judgment "as a denial of due process rooted in the state law rule." *Rhoades v. Martinez*, No. 21-70007, 2021 WL 4434711, at *2 (5th Cir. Sep. 27, 2021) (per curiam). And in *Smith*, this Court held it lacked subject-matter jurisdiction when a plaintiff brought a similarly repackaged due process claim. 2022 WL 1182699, at *8-9. The court lacked jurisdiction because the plaintiff asked it to "find[] that the state court decisions were wrong because they misapplied state law and thereby deprived the plaintiff of due process and access to the courts." *Id.* at 9. *Rooker-Feldman* "plainly barred" such a claim. *Id.* (citing *Carter v. Burns*, 524 F.3d 796, 799 (6th Cir. 2008)).

Rooker-Feldman bars Carruthers's claims too. "There is no question that [Carruthers] is a state-court loser . . . and that the [CCA] issued its decision before he filed his § 1983 action." *Simpson*, 2026 WL 297077, at *2; *see* Compl., Dkt. 1 at 19, ¶¶ 69-70 (noting that the CCA rejected Carruthers's claims on April 16, 2026). Thus, the only questions are (1) whether the state-court judgment caused his injury and (2) whether he invites the district court to review and reject that judgment. *See Exxon*, 544 U.S. at 284. The answer to both is yes.

The allegations in the complaint tell a clear story: His alleged injury stems from the state-court judgment, and he "invites" this Court to "review and reject[]" that decision. *See Exxon*, 544

U.S. at 284. In Carruthers's own words, "*the State courts' summary dismissal* of his petition deprived him of his liberty interest" and inflicted injury. Compl., Dkt. 1 at 35, ¶ 134 (emphasis added). His complaint then invites this Court to redress the injury by reviewing and rejecting the CCA's decision because he believes the State courts got the state-law question wrong. *Id.* And (over more than fifty paragraphs) he argues why this Court should reverse the State courts' alleged misapplication of Tennessee law. *See id.* at 26-39, ¶¶ 99-154.

His requests for relief drive the point home. "To determine whether an action functions as a de facto appeal, [courts] pay close attention to the *relief* sought by the federal-court plaintiff." *Hooper*, 56 F.4th at 624 (internal quotations and citations omitted) (emphasis in original). And just like the plaintiff in *Hooper*, Carruthers seeks an injunction directing the release of evidence. *Id*. at 625. "Thus, the relief he seeks would effectively reverse the state courts' decision that he is not entitled to this testing." *Id*. That is improper.

At bottom, Carruthers "ask[s] [this Court] to determine that [the State court] incorrectly applied state law." *Rhoades*, 2021 WL 4434711, at *2; *see also Smith*, 2022 WL 1182699, at *9. But this Court is not an appellate court for the CCA. *RLR Investments*, 4 F.4th at 387. And because that is all Carruthers asks this Court to be, *Rooker-Feldman* resolves the case.

Any attempts to fit Carruthers's claims within the "slim" class of cases allowed under *Skinner,* 562 U.S. at 525, and its progeny are meritless. As the Supreme Court held in *Skinner* and emphasized in *Reed v. Goertz*, 598 U.S. 230, 235 (2023), plaintiffs may bring Section 1983 procedural-due-process claims to challenge the constitutionality of the underlying State statute that a State court "authoritatively construe[s]." *Skinner*, 562 U.S. at 532. But they cannot "challenge the adverse CCA decisions themselves." *Id.*; *Reed*, 598 U.S. at 235. Carruthers's claims fall within the latter category. His Prayer for Relief asks for reprieve "as applied" to the trial court's and CCA's alleged "fail[ure] to meaningfully analyze [his] petition[]." Compl., Dkt. 1 at 40.

Carruthers thus "do[es] not bring his claims within the ambit of the *Skinner* line of cases," *Simpson*, 2026 WL 297077, at *4, and this Court lacks jurisdiction to hear them.

III. The Equities Tip Heavily Against Carruthers.

Carruthers has another problem: the scales of equity tilt heavily against his last-minute gambit. His delay in suing is ground alone to deny a stay. And because this suit cannot upend his death sentence, *see* Part I, *supra*, his impending execution is not a harm he can address through intermediate relief. The weighty interests of the State and victims in enforcing his long-overdue sentence also counsel against last-minute interference by the federal courts. In sum, a stay would work "irreparable injustice." *Doe*, 137 F.4th at 575.

A. Carruthers's delay is alone enough to deny a stay.

To start, Carruthers's abusive, tactical delay is reason enough to deny a stay or injunction. "[A] stay of execution is an equitable remedy," and "equity must be sensitive to the State's strong interest in enforcing its criminal judgments without undue interference from the federal courts." *Hill v. McDonough*, 547 U.S. 573, 584 (2006). "[T]he last-minute nature of an application that could have been brought earlier, or an applicant's attempt at manipulation, may be grounds for denial of a stay." *Bucklew*, 587 U.S. at 150 (cleaned up). Similarly, this Court's power to issue injunctions is bounded by the principles of equity, *see Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311-13 (1982), and "equity will not aid those who have slept upon their rights," *Cont'l Can Co. v. Graham*, 220 F.2d 420, 422 (6th Cir. 1955). "A district court thus enjoys considerable discretion to apply . . . laches to a particular equitable remedy," such as a preliminary injunction. *See A.S. v. Lee*, 2021 WL 3421182, at *2 (M.D. Tenn. Aug. 5, 2021). The laches doctrine generally kicks in when a "lack of diligence" has "prejudice[d]" a defendant. *Memphis A. Phillip Randolph Inst. v. Hargett*, 473 F. Supp. 3d 789, 793 (M.D. Tenn. 2020) (quoting *United States v. City of Loveland, Ohio*, 621 F.3d 465, 473 (6th Cir. 2010)).

It is well known that "capital petitioners might deliberately engage in dilatory tactics to prolong their incarceration and avoid execution of a sentence of death." *Rhines v. Weber*, 544 U.S. 269, 277-78 (2005). "[I]t is the same strategy adopted by many death-row inmates with an impending execution: bring last-minute claims that will delay the execution, no matter how groundless." *Price v. Dunn*, 587 U.S. 999, 1008 (2019) (Thomas, J., concurring in denial of certiorari). And federal courts apply "a strong equitable presumption against the grant of a stay where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay." *Nelson v. Campbell*, 541 U.S. 637, 650 (2004).

That presumption should foreclose Carruthers's request for a stay a mere three weeks before his execution. To be sure, Carruthers filed his petition for fingerprint testing within a few months of Tennessee's enactment of the Post-Conviction Fingerprint Analysis Act of 2021. But he then stayed and delayed proceedings for several years by attacking the statute designating the Attorney General as the State's counsel. He eventually withdrew that frivolous motion a month before the Tennessee Supreme Court set his execution. The trial court then promptly denied his petition for fingerprint testing on January 16, 2026. Carruthers could have brought this suit then or raised his due process argument in his state appeal. Instead, he waited another three months—only three weeks before his scheduled execution—to bring his request to this Court in hopes of further delaying justice. And he could have brought his facial challenges five years ago, too, but he waited. *Cromartie v. Shealy*, No. 7:19-CV-181 (MTT), 2019 WL 5553274, at *6 (M.D. Ga. Oct. 28, 2019) (Plaintiff's "'need for a stay of execution is directly attributable to his own failure to' . . . timely challenge the facial constitutionality of Georgia's DNA access procedures. . . . Thus, his delay provides additional grounds for denying . . . his request for 'preliminary and permanent injunction prohibiting Defendants from executing' him."), *aff'd,* 941 F.3d 1244 (11th Cir. 2019). "The proper response to this maneuvering is to deny [Carruthers'] meritless request[] expeditiously." *Price*, 587 U.S. at 1008.

Laches also bars injunctive relief because Carruthers's lack of diligence has surely prejudiced the State by forcing it to prepare its defense on an artificially compressed timeline. By waiting until three weeks before his scheduled execution to file suit and seek a stay, Carruthers has forced the State to contest the merits of his sweeping due-process and court-access claims in just seven days—all while simultaneously defending at least four other distinct attacks on his execution. Under these circumstances, the Court can "presume[]" "a certain amount of prejudice" to the State "inasmuch as 'no one should be making [these decisions] at the eleventh hour.'" *Memphis A. Phillip Randolph Inst.*, 473 F. Supp. 3d at 800-01 (quoting *Crookston v. Johnson*, 841 F.3d 396, 399 (6th Cir. 2016)). "Courts typically decline to grant preliminary injunctions in the face of unexplained delays of more than two months." *Pals Grp. v. Quiskeya Trading Corp.*, 2017 WL 532299, at *6 (S.D. Fla. Feb. 9) (collecting cases; cleaned up). Thus, Carruthers's unexplained three-month delay beyond the denial of his request for fingerprint testing dooms his bid for injunctive relief. *See, e.g., Corizon, LLC v. Wainwright*, 2020 WL 6323134, at *7-11 (M.D. Tenn. Oct. 28, 2020) (Richardson, J.) (addressing delay of three months).

B. Nothing about this lawsuit can undermine Carruthers's conviction and sentence.

This suit will never implicate the "irreparable harm" of an unconstitutional execution. Rather, it is a procedural challenge to the application of postconviction statutes that, at most, could allow Carruthers to test evidence. *Osborne*, 557 U.S. at 66. "In no event" would success for Carruthers implicate the lawfulness of his execution. *Skinner*, 562 U.S. at 525. Because Carruthers has intentionally couched his claim to skirt the habeas statutes, his reliance on a habeas case granting a stay pending litigation is misplaced. Mot., Dkt. 3 at 5-6. "The purpose" of any injunction can only be to protect Carruthers from being "further harmed *in the manner in which* [he] contends . . . in the complaint" he was harmed. *Omega World Travel, Inc. v. Trans World Airlines*, 111 F.3d 14, 16 (4th Cir. 1997) (emphasis added). But it cannot "issue to prevent an

injury or harm which not even [Carruthers] contends was caused by the wrong claimed" in his complaint. *Id*. This suit about process cannot get Carruthers a stay.

C. The public interest is against Carruthers.

The third and fourth factors—substantial harm to others and the public interest—also weigh heavily against a stay. The State and crime victims have a "powerful and legitimate interest in punishing the guilty." *Calderon v. Thompson*, 523 U.S. 538, 556 (1998) (cleaned up). They also "have an important interest in the timely enforcement of a sentence," which would be frustrated by a stay. *Bucklew*, 587 U.S. at 149; *see* Tenn. Const. art. I, § 35. "Only with an assurance of real finality can the State execute its moral judgment in a case" and "the victims of crime move forward knowing the moral judgment will be carried out." *Calderon*, 523 U.S. at 556. "To unsettle these expectations is to inflict a profound injury." *Id*. More than thirty years after pronouncement of Carruthers's capital sentence, "both the state and the public have an interest in finality which, if not deserving of respect yet, may never receive respect." *Workman v. Bell*, 484 F.3d 837, 842 (6th Cir. 2007). The Court should deny a stay to avoid rewarding Carruthers's abusive delay tactics, to prevent an injustice to the victims' families, and to protect Tennessee's grave sovereign interest in the execution of its exhaustively reviewed judgment.

CONCLUSION

For these reasons, Carruthers's requests for a stay of execution and for a preliminary injunction should be denied.

Respectfully submitted,

JONATHAN SKRMETTI
Attorney General and Reporter

/s/ *Cody N. Brandon*
CODY N. BRANDON (BPR# 037504)
Deputy Attorney General
Constitutional Defense Division
P.O. Box 20207
Nashville, Tennessee 37202-0207

Off. (615) 532-7400
Fax (615) 532-4892
Cody.Brandon@ag.tn.gov
Counsel for State Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was filed and served by operation of the Court's electronic filing system on this the 5th of May 2026, upon:

Lucas Cameron-Vaughn
Maria DeLiberato
ACLU
PO Box 120160
Nashville, TN 37212

Melanie C. Kalmanson
Quarles & Brady LLP
101 E. Kennedy Blvd.
Ste 3400
Tampa, FL 33602
Counsel for Carruthers

Michael Douglas Fitzgerald
UT Office of the General Counsel
Office of the General Counsel
505 Summer Place
Ste Utt#1111
Knoxville, TN 37902
Counsel for Dr. Collier

Emmett L. Whitwell
Shelby County Attorney's Office
160 N Main Street
Suite 950
Memphis, TN 38103
Counsel for Kuhn

/s/ *Cody N. Brandon*
CODY N. BRANDON
Deputy Attorney General