

GINSBURG, J., dissenting

SUPREME COURT OF THE UNITED STATES

Nos. 06–984 (08A98), 08–5573 (08A99), and 08–5574 (08A99)

JOSE ERNESTO MEDELLIN
06–984 (08A98) v.
TEXAS

ON APPLICATION TO RECALL AND STAY MANDATE AND FOR
STAY

JOSE ERNESTO MEDELLIN
08–5573 (08A99) v.
TEXAS

ON APPLICATION FOR STAY AND PETITION FOR A WRIT OF
CERTIORARI TO THE COURT OF CRIMINAL APPEALS OF
TEXAS

IN RE JOSE ERNESTO MEDELLIN
08–5574 (08A99)

ON APPLICATION FOR STAY AND ON PETITION FOR A WRIT OF
HABEAS CORPUS

[August 5, 2008]

JUSTICE GINSBURG, dissenting.

I would grant the application for a stay of execution. Before the International Court of Justice, in response to Mexico’s request for provisional measures, the United States represented: “[C]ontrary to Mexico’s suggestion, the United States [does] not believe that it need make no further effort to implement this Court’s *Avena* Judgment, and . . . would ‘continue to work to give that Judgment full effect, including in the case of Mr. Medellín.’” *Request for Interpretation of the Judgment of 31 March 2004 in the Case Concerning Avena and Other Mexican Nationals* (*Mex. v. U. S.*), 2008 I. C. J. No. 139, ¶ 37 (Order of July

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16). I would invite the Solicitor General's clarification of that representation very recently made to the international tribunal. Pending receipt and consideration of the Solicitor General's response, I would defer action on Medellín's submissions.