

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.