

1  
2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Clarence Wayne Dixon,  
10 Petitioner,

11 v.

12 Arizona Department of Corrections  
13 Rehabilitation and Reentry, et al.,  
14 Respondents.

No. CV-22-00743-PHX-DJH (JFM)

**ORDER**

15 Plaintiff Clarence Wayne Dixon (“Plaintiff”) and Defendants the Arizona  
16 Department of Corrections, Rehabilitation & Reentry (“ADCRR”); David Shinn, Director  
17 of the ADCRR; James Kimble, Warden, ASPC – Eyman; (collectively, “Defendants”) have  
18 jointly stipulated to dismiss Plaintiff’s First Amended Complaint (Doc. 25), based on the  
19 recitals and terms set forth in the parties’ concurrently filed Stipulated Settlement  
20 Agreement (Doc. 32), and under the terms that follow below.

21 Having considered the parties’ Stipulated Settlement Agreement (Doc. 32), and  
22 good cause appearing,

23 **IT IS HEREBY ORDERED:**

24 1. Defendants shall undertake or cause to be done:

25 a. Defendants shall direct the compounding pharmacist to compound a  
26 new batch of pentobarbital on May 9, 2022, consistent with what was stated in Defendants’  
27 Opposition, filed May 8, 2022;

28 b. Defendants will provide Plaintiff declaration(s) from the pharmacist

1 and others (identities redacted) that states the date of compounding and the storage  
2 conditions;

3 c. Defendants will provide the result of the “quantitative” analysis for  
4 this batch of drugs to Plaintiff’s counsel before the drug is used to carry out his execution;  
5 and;

6 2. This settlement does not constitute a waiver for any other prisoner who faces  
7 a future execution date of the entitlement to the “quantitative” analysis within the time  
8 frames sent forth under the protocol.

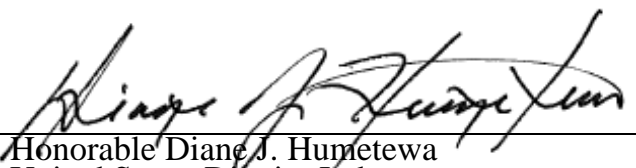
9 3. Plaintiff’s Emergency Motion for Temporary Restraining Order or  
10 Preliminary Injunction (Doc. 23) is **denied** as moot, and Plaintiff’s Amended Complaint  
11 (Doc. 25) is **dismissed**.

12 4. This settlement agreement does not violate or trigger any enforcement  
13 mechanisms found in *First Amendment Coalition of Arizona, et al. v. Charles Ryan, et al.*,  
14 CV-14-01447-NVW (JFM), Docs. 186, 187.

15 5. The Court retains jurisdiction over this case to enforce the terms of the  
16 Stipulated Settlement Agreement (Doc. 32).

17 6. The Clerk of Court is kindly directed to terminate this matter.

18 Dated this 9th day of May, 2022.

19  
20  
21   
22 Honorable Diane J. Humetewa  
23 United States District Judge  
24  
25  
26  
27  
28