

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 18-10636-P

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DOYLE LEE HAMM,

Plaintiff - Appellant,

versus

COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS,  
WARDEN HOLMAN CF,  
WARDEN DONALDSON CR,

Defendants - Appellees.

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Appeal from the United States District Court  
for the Northern District of Alabama

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Before TJOFLAT, JORDAN, and ROSENBAUM, Circuit Judges.

ORDER:

In its order dated February 20, 2018, the district court ruled that Doyle Lee Hamm's great saphenous veins in both his left and right legs were accessible for intravenous lethal injection from the knee down. The district court also memorialized a stipulation made on the record at the February 16, 2018, hearing, by counsel for Appellees, that Appellees would refrain from attempting to administer Hamm's lethal injection via his upper extremities. During the hearing,

however, Appellees were not able to reach the technicians who place the intravenous lines to confirm that they are able, in fact, to place an intravenous line through a great saphenous vein.

The district court also made the finding that central line access, an alternative to administering peripheral injections via Hamm's great saphenous veins, would in Hamm's case require the use of ultrasound technology and the presence of an "advanced level practitioner" (*i.e.*, a CRNA, PA or MD), though the court made no finding as to whether Appellees would have either ultrasound technology or an advanced level practitioner present for Hamm's execution.

Based on its findings, the district court concluded that Hamm could not show a significant likelihood that his execution by lethal injection would violate his Eighth Amendment rights.

In order to facilitate a complete and accurate review of Hamm's appeal, Appellees must submit to this court the following:

1. A sworn affidavit by someone with knowledge and authority on the matter addressing whether Appellees will in fact follow the stipulation made on the record before the district court;
2. A sworn affidavit by someone with knowledge and authority on the matter addressing whether ultrasound technology and an "advanced level

practitioner” (*i.e.*, a CRNA, PA, or MD) will be present for Hamm’s execution; and

3. A sworn affidavit by someone with knowledge and authority on the matter indicating whether Appellees are in fact capable of administering an intravenous line through Hamm’s great saphenous veins.

**All affidavits must be submitted to this court within six hours of the issuance of this order.**