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S.C. SUPREME COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Marion Alexander Lindsey,
Petitioner,
v.
Joel Anderson and Lydell Chestnut,
Respondents.

Case No.: 2:25-mc-00903-DCN-MGB

ORDER

Marion Alexander Lindsey ("Petitioner") is a state prisoner sentenced to death. This matter is before the Court on Petitioner's Motion for Stay of Execution (Dkt. No. 1) while he seeks a federal writ of habeas corpus pursuant to 28 U.S.C. § 2254.

A federal court has jurisdiction to stay state court proceedings when a state prisoner sentenced to death applies for appointment of counsel pursuant to 18 U.S.C. § 3599. See 28 U.S.C. § 2251(a)(3); McFarland v. Scott, 512 U.S. 849, 858 (1994) ("[O]nce a capital defendant invokes his right to appointed counsel, a federal court also has jurisdiction under § 2251 to enter a stay of execution."). Under 28 U.S.C. § 2251(a)(3), the stay "shall terminate" not more than ninety days after the appointment of counsel. Section 2251(a)(1) grants a federal court additional authority to stay a state action while a federal habeas corpus proceeding is pending. These provisions work in tandem to provide Petitioner ninety days from the date he is appointed counsel to file a preliminary habeas petition, at which point the Court deems Petitioner's habeas action "pending" and he may move for an indefinite stay under § 2251(a)(1).

1 Petitioner also filed a Motion to Proceed In Forma Pauperis (Dkt. No. 2) and a Motion to Appoint Counsel (Dkt. No. 3). These motions were granted in a separate Order filed by the assigned United States Magistrate Judge. (Dkt. No. 11.)

Here, counsel was appointed by Order dated February 9, 2026 (Dkt. No. 11.) Upon review, the Court **GRANTS** Petitioner's Motion for Stay of Execution (Dkt. No. 1) and **STAYS** Petitioner's execution until May 11, 2026.² The Court further **ORDERS** that the Clerk of Court assign a civil action number to this case and that this matter remain referred to the assigned United States Magistrate Judge for all other preliminary proceedings.

IT IS SO ORDERED.



David C. Norton
United States District Judge

February 10, 2026
Charleston, South Carolina

² Respondent does not contest Petitioner's request for a stay of execution. (*See generally* Dkt. No. 8.)