

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STEVEN HOWARD OKEN,

Plaintiff

v.

**FRANK C. SIZER, JR., Commissioner,
Maryland Division of Correction, et al.,**

Defendants

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Civil No. PJM 04-1830

FINAL ORDER OF JUDGMENT

Upon consideration of Plaintiff Steven Howard Oken's Amended Complaint, Defendants' verbal opposition thereto, and the argument of counsel conducted by telephone conference in the presence of a court reporter, including the offer of proof/proffer of Plaintiff's and Defendants' counsel as to what an evidentiary hearing might reveal, it is this 17th day of June, 2004,

ADJUDGED, ORDERED, AND DECREED:

- 1) On this record the Court is unable to conclude that Plaintiff has established that any of the execution procedures complained of by him amount to cruel and unusual punishment under the Eighth Amendment to the U.S. Constitution;
- 2) The relief sought under the Amended Complaint is therefore DENIED;
- 3) The case is DISMISSED;
- 4) Plaintiff's Motion for Stay is DENIED.

_____/s/_____
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE