



Jamaal Howard v. Texas and In re Howard (Nos. 26-5759, 26-5773, 26-5754): What He Asked the Supreme Court Before His Scheduled October 7 Execution, and What the Court Did

Public paper · October 13, 2026 · Supreme Court desk · Ryan Standley / Record of Sale, LLC / Notice Nearby

Jamaal Howard filed three petitions and three stay applications in a Texas death-penalty case, centered on a claim that he is intellectually disabled under *Atkins v. Virginia*. The Court denied all of them on October 7, 2026, and Justice Jackson would have granted one stay. Here are the exact questions, the timeline and the terms, explained.

On October 7, 2026, the Court denied all three of Jamaal Howard's applications for a stay of execution and his petitions for certiorari, habeas corpus and mandamus (Order Lists, Oct. 7, 2026). Justice Jackson noted she "would grant the application for stay of execution" in No. 26-5759 (same).

This paper uses only the Court's dockets, orders and the official filings and opinions named under Sources. Each fact is cited. Legal terms are explained in plain words at the bottom of the page.

Who the parties are

- Petitioner: Jamaal Howard, who is held under a death sentence at the Allan B. Polunsky Unit of the Texas Department of Criminal Justice in Livingston, Texas (Habeas Petition, No. 26-5773, Parties). His lawyers are Don Bailey and Jeffrey R. Newberry (Petitions).

- Respondents: the State of Texas (No. 26-5759) and Eric Guerrero, Director of the Correctional Institutions Division, Texas Department of Criminal Justice (No. 26-5773). The mandamus petition seeks relief against the

U.S. Court of Appeals for the Fifth Circuit (No. 26-5754, Parties).

What happened in the lower courts

- The petitions say Howard was scheduled to be executed by Texas "after 6:00 p.m. central time on Wednesday, October 7, 2026" (Mandamus Petition, No. 26-5754).
- The certiorari petition came from the Texas Court of Criminal Appeals (Cert. Petition, No. 26-5759, cover).
- A Fifth Circuit panel of Judges Jerry E. Smith, James C. Ho and Stuart Kyle Duncan denied Howard authorization to file a successive federal habeas application (Mandamus Petition, Parties).
- The habeas petition says his earlier federal lawyer pleaded an Atkins intellectual-disability claim and "then withdrew it before any court adjudicated it" (Habeas Petition, Questions Presented). Texas filed an opposition in each case (dockets).

The question the Court is deciding

No. 26-5759 (certiorari): "When an inmate's Atkins claim was rejected under obsolete diagnostic criteria but the inmate returns to the state court with evidence demonstrating he satisfies the existing criteria, do this Court's precedents or the Eighth Amendment require that the inmate's claim of intellectual disability be newly assessed in light of currently prevailing clinical standards?" No. 26-5754 (mandamus): "Whether a court of appeals, ruling on a motion for authorization under 28 U.S.C. § 2244(b)(3), may deny authorization on the ground that the proposed application is untimely under 28 U.S.C. § 2244(d)." No. 26-5773 (habeas): whether the Court "should exercise its original habeas jurisdiction" and whether a withdrawn Atkins claim was "presented in a prior application" under 28 U.S.C. § 2244(b)(1). (Petitions, Questions Presented.)

Case timeline

- Oct. 6, 2026: Cert. and mandamus petitions and two stay applications filed (Nos. 26-5759, 26-5754).
- Oct. 7, 2026: Habeas petition and a third stay application filed (No. 26-5773). Texas files oppositions.
- Oct. 7, 2026: Justice Alito refers all three applications to the Court, and the Court denies them all.

What's at stake (in the official documents' own words)

- The certiorari petition says *Atkins v. Virginia*, *Hall v. Florida* and *Moore v. Texas* hold that a state's decision on intellectual disability "must be informed by the medical community's current diagnostic framework" (Cert. Petition, Question Presented). These are the petitioner's words.
- The Court's orders give no reasons (Order Lists, Oct. 7, 2026). Notice Nearby does not report on events after the orders.

What happens next, and when

Once the full Court has acted on an application, "there is no further opportunity to request the same relief" (Supreme Court, A Reporter's Guide to Applications).

What these terms mean

- Capital case (say it: *KAP-ih-tul KAYSS*). Means: A case involving a crime punishable by death. Origin and history: The Court's guide notes that applications for stays in capital cases are often, though not always, referred to the full Court. *Source: uscourts.gov Glossary, "Capital offense"; Supreme Court, "A Reporter's

Guide to Applications."

- Stay and administrative stay (say it: *STAY; ad-MIN-ih-stray-tiv STAY*). Means: A stay pauses a lower court's order. An administrative stay is a short, temporary pause that a Justice can grant while waiting for the other side's response. Origin and history: The Court's guide says stay applications "usually concern an effort to buy time, to maintain the status quo." *Source: Supreme Court of the United States, "A Reporter's Guide to Applications Pending Before the Supreme Court."

- Application and Circuit Justice (say it: *ap-lih-KAY-shun; SUR-kit JUS-tis*). Means: An application is a request for emergency or procedural relief, such as a stay. It goes to the Justice assigned to the federal circuit the case came from, called the Circuit Justice. Origin and history: The country is divided into 13 federal judicial circuits. The Circuit Justice can act alone or refer the application to the full Court. *Source: Supreme Court of the United States, "A Reporter's Guide to Applications."

- Habeas corpus (say it: *HAY-bee-us KOR-pus*). Means: A court order requiring the authorities holding a prisoner to bring the prisoner before a court and justify keeping that person locked up. Origin and history: Latin for "you have the body." *Source: uscourts.gov Glossary of Legal Terms, "Habeas corpus."

- Mandamus (say it: *man-DAY-mus*). Means: A court order commanding a government official or a lower court to do something the law requires. Origin and history: The Judiciary Act of 1789 gave the Supreme Court power to issue writs of mandamus. In *Marbury v. Madison*, the Court held that the Constitution did not allow that part of the Act. *Source: uscourts.gov, "About the Supreme Court" (*Marbury v. Madison* discussion).

- Certiorari (writ of certiorari) (say it: *ser-shee-uh-RAIR-ee*). Means: An order from the Supreme Court telling a lower court to send up the records of a case the Justices have agreed to hear. Origin and history: The Certiorari Act of 1925 gave the Supreme Court the choice of whether to hear most appeals. Today it agrees to hear about 100 to 150 of the more than 7,000 cases it is asked to review each year. *Source: Meaning: uscourts.gov Glossary of Legal Terms, "Writ of certiorari." History: uscourts.gov, "About the Supreme Court" (Administrative Office of the U.S. Courts).

- In forma pauperis (say it: *in FOR-muh PAW-per-iss*). Means: Permission to file a case without paying the court's fees, because the person cannot afford them. Origin and history: Latin for "in the manner of a pauper." *Source: uscourts.gov Glossary of Legal Terms, "In forma pauperis."

- Docket (say it: *DOK-it*). Means: The court's running log of a case, with a short dated entry for every filing and order. Origin and history: Each Supreme Court case gets a docket number, such as No. 25-1103. *Source: uscourts.gov Glossary of Legal Terms, "Docket."

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- [U.S. DOGE Service v. U.S. District Court for D.C.](/papers/scotus-case-us-doge-service-v-district-court-25-1103)

- [Blanche v. Ozurumba](/papers/scotus-case-blanche-v-ozurumba-25-1343)

- [Berry v. United States](/papers/scotus-case-berry-v-united-states-25-7026)

- [FCC v. Brown](/papers/scotus-case-fcc-v-brown-26a476-political-ad-rates)

- [Beaird v. United States](/papers/scotus-case-beaird-v-united-states-25-5343)

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- [Roofing Designs v. Royal American](/papers/scotus-case-roofing-designs-v-royal-american-25-1367-gvr)
- [Silva Ochoa v. United States](/papers/scotus-case-silva-ochoa-v-united-states-25-7569-gvr)
- [Monsanto v. Dennis](/papers/scotus-case-monsanto-v-dennis-26-139-roundup-gvr)
- [Hobson v. United States](/papers/scotus-case-hobson-v-united-states-26-5216-gvr)
- [Order list, Oct. 13, 2026](/papers/scotus-order-list-oct-13-2026-three-cases-granted)
- [Chief Justice stays the Fourth Circuit in FCC v. Brown](/papers/scotus-chief-justice-stays-fourth-circuit-fcc-v-brown-26a476)
- [Arguments this week and the November calendar](/papers/scotus-arguments-oct-13-14-beaird-salazar-november-calendar)
- [Howard stay denials, Oct. 7](/papers/scotus-denies-stay-jamaal-howard-texas-oct-7)

Sources

- Order Lists, Oct. 7, 2026 (Nos. 26-5759, 26-5773, 26-5754).
- Supreme Court dockets Nos. 26-5759, 26-5773, 26-5754.
- Petitions in Nos. 26-5759 (Oct. 6), 26-5754 (Oct. 6) and 26-5773 (Oct. 7, 2026).
- Supreme Court, A Reporter's Guide to Applications.

Notes

- Image: The U.S. Supreme Court Building, Washington, D.C., in black and white (file photo). Photo: Carol M. Highsmith, Library of Congress (public domain).
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