

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

CHARLES L. BURTON, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:19-cv-00242-RAH
	)	
JEFFERSON S. DUNN, Commissioner,	)	
Alabama Department of Corrections,	)	
in his official capacity,	)	
	)	
Defendant.	)	

**DEFENDANT’S STATUS REPORT**

Comes now Jefferson S. Dunn, Commissioner of the Alabama Department of Corrections, Defendant in the above styled cause, and in accordance with this Court’s order of July 6, 2021 (Doc. 91), submits the following status report:

1. This Court ordered Defendant to indicate in its status report “the progress it has made in developing its nitrogen hypoxia protocol.” (*Id.* at 2).
2. The ADOC has completed the initial physical build of the nitrogen hypoxia system. A safety expert has made a site visit to evaluate the system. As a result of the visit, the ADOC is considering certain additional health and safety measures.
3. At this time, the ADOC has not produced a nitrogen hypoxia execution

protocol. The protocol will not be written until the ADOC is satisfied that its system is ready.

4. The ADOC has not made a final decision as to whether a spiritual advisor can be safely accommodated in the execution chamber during a hypoxia execution. The ADOC anticipates, however, that this decision can be made prior to the production of the final protocol.

Respectfully submitted,

Steve Marshall  
*Alabama Attorney General*

/s/ Lauren A. Simpson  
Lauren A. Simpson  
*Alabama Assistant Attorney General*  
Counsel for Defendant

**CERTIFICATE OF SERVICE**

I certify that on August 2, 2021, I served a copy of the foregoing upon counsel for the Plaintiff by filing the same via the Court's CM/ECF system, which shall cause the same to be electronically transmitted to: **Anand Agneshwar, Spencer J. Hahn, John Anthony Palombi, Matt D. Schulz, Paige Sharpe, James A. Sonne, Anna Thompson, and Zeba A. Huq.**

Respectfully submitted,

Steve Marshall  
*Alabama Attorney General*

/s/ Lauren A. Simpson  
Lauren A. Simpson  
*Alabama Assistant Attorney General*  
Counsel for Defendant

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