

March 15, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-70041

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MICHAEL WAYNE HALL,

Petitioner-Appellant

versus

NATHANIEL QUARTERMAN, DIRECTOR  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

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Appeal from the United States District Court  
For the Northern District of Texas, Fort Worth  
(06-CV-436)

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Before KING, HIGGINBOTHAM, and GARZA, Circuit Judges.

BY THE COURT:

We grant a certificate of appealability on Michael Wayne Hall's *Atkins* claim.<sup>1</sup> The case will be scheduled for oral argument before this panel.

We are not presently persuaded to grant and we defer decision upon the application for a certificate of appealability on Hall's *Ring*<sup>2</sup> and *Penry*<sup>3</sup> claims until after oral argument. The Court does

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<sup>1</sup> *Atkins v. Virginia*, 506 U.S. 314 (2002); *Hall v. Texas*, 537 U.S. 802 (2002).

<sup>2</sup> *Ring v. Arizona*, 536 U.S. 584 (2002).

<sup>3</sup> *Penry v. Johnson*, 532 U.S. 782 (2001).

not request but the parties may supplement the *Ring* and *Penry* claims and offer argument, if they wish to do so.

So ORDERED.