

09/25/2013 "See News Release 055 for any Concurrences and/or Dissents."

**SUPREME COURT OF LOUISIANA**

**No. 2013-KP-2177**

**STATE OF LOUISIANA**

**VERSUS**

**CHRISTOPHER SEPULVADO**

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**ORDER**

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Writ granted. Jurisdiction rests with the federal appellate court until a mandate has issued. *U.S. v. Rivera*, 844 F.2d 916 (2nd Cir. 1988). A federal district court order, though vacated on appeal, remains in effect until the issuance of an appellate court mandate. *Bridge C.A.T. Scan Associates v. Technicare Corp.*, 710 F.2d 940, 947 (2nd Cir. 1988). Here, the trial court erred in issuing a warrant of execution before the United States Fifth Circuit Court of Appeals had issued a mandate. The Motion to Vacate Warrant of Execution filed by Defendant on September 6, 2013 is granted.

NEW ORLEANS, LOUISIANA, this 25 day of September, 2013.

FOR THE COURT:

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Justice, Supreme Court of Louisiana