

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Nos. 07-3882; 07-3893

FILED

Aug 22, 2011

LEONARD GREEN, Clerk

WILLIAM T. MONTGOMERY,
Petitioner - Appellee/Cross-Appellant,

v.

DAVID BOBBY, Warden,
Respondent - Appellant/Cross-Appellee.

Before: BATCHELDER, Chief Judge; MERRITT, MARTIN, BOGGS, MOORE,
COLE, CLAY, GILMAN, GIBBONS, ROGERS, SUTTON, McKEAGUE, GRIFFIN,
KETHLEDGE, and WHITE, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Northern District of Ohio at Toledo.

UPON CONSIDERATION of the petition for rehearing en banc, the supplemental
briefs, and arguments of counsel,

IT IS ORDERED that the district court's grant of the writ of habeas corpus to
petitioner William T. Montgomery on the basis of a *Brady* violation is REVERSED. IT IS
FURTHER ORDERED that the judgment of the district court is AFFIRMED in all other
respects.

ENTERED BY ORDER OF THE COURT



Leonard Green, Clerk