

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 08-3310

**FILED**  
**Oct 05, 2010**  
LEONARD GREEN, Clerk

DAVID AYERS,  
Petitioner - Appellant,

v.

STUART HUDSON, Warden,  
Respondent - Appellee.

Before: GRIFFIN and WHITE, Circuit Judges; MURPHY, District Judge.

**JUDGMENT**

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

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's denial of petitioner David Ayers' petition for a writ of habeas corpus under 28 U.S.C. § 2254 is REVERSED. IT IS FURTHER ORDERED that the petition for a writ of habeas corpus is conditionally GRANTED and the case is REMANDED for further proceedings consistent with the opinion of this court.

**ENTERED BY ORDER OF THE COURT**



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Leonard Green, Clerk