

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Nos. 09-1876/1960

FRANK NALI,
Petitioner- Appellee/Cross-Appellant,

v.

THOMAS PHILLIPS, Warden,
Respondent - Appellant/Cross-Appellee.

Before: MOORE, GIBBONS, and ALARCÓN, Circuit Judges.

JUDGMENTOn Appeals from the United States District Court
for the Eastern District of Michigan at Detroit.

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 order unconditionally granting Nali's petition for a writ of habeas corpus is REVERSED. IT IS FURTHER ORDERED that the district court's order vacating and setting aside Nali's conviction for extortion and its order directing Warden Thomas Phillips to release Nali from custody are REVERSED. The district court's denial of habeas corpus relief on Nali's ineffective assistance-of-counsel claim is AFFIRMED. The case is REMANDED to the district court for entry of an order in compliance with this decision.

ENTERED BY ORDER OF THE COURT

Leonard Green, Clerk