

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 12-3825

WILLARD MCCARLEY,  
Petitioner - Appellant,

v.

BENNIE KELLY, Warden,  
Respondent - Appellee.

Before: DAUGHTREY, GIBBONS, and DONALD, Circuit Judges.

**JUDGMENT**

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

THIS CAUSE was heard on the record from the district court and was submitted on the briefs without oral argument.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's denial of McCarley's § 2254 petition is REVERSED, and the case is REMANDED to the district court with instructions to grant McCarley a conditional writ of habeas corpus.

**ENTERED BY ORDER OF THE COURT**



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Deborah S. Hunt, Clerk

**FILED**  
**Jul 10, 2014**  
DEBORAH S. HUNT, Clerk