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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

Tyrone Wayland MILES,
Petitioner,

v.

Michael MARTEL, Acting Warden of Mule
Creek State Prison,
Respondent

Case No. 1-8-cv-1002-JF

~~{PROPOSED}~~ ORDER GRANTING WRIT
OF HABEAS CORPUS

Being in receipt of the Ninth Circuit's November 21, 2012 order withdrawing its
September 28, 2012 opinion and directing ~~the granting of a writ of habeas corpus~~ ^{that a writ of habeas corpus be granted}, and the parties
having no objection and stating no legal cause why such order should not issue, the Court hereby
ORDERS:

1. The petition for writ of habeas corpus is GRANTED;
2. The Warden at the California Correctional Institution at Tehachapi,
California, shall RELEASE petitioner TYRONE MILES from state

1 custody to Emily Galvin, counsel for Petitioner, as soon as possible, but
2 no later than 48 hours from the entry of judgment;

3
4 3. The Warden at the California Correctional Institution at Tehachapi,
5 California, shall be in compliance with this Order if Petitioner is
6 released on Thursday, November 29, 2012; and

7
8 4. The Clerk is directed forthwith to enter judgment pursuant to this order.

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10 IT IS SO ORDERED.

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13 DATED: November 27, 2012

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15 _____
16 JEREMY FOGEL
17 United States District Judge
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