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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MIGUEL ANGEL BACIGALUPO,

Petitioner,

v.

KELLY SANTORO, Acting Warden, North
Kern State Prison,

Respondent.

Case No. 94-cv-02761-BLF

JUDGMENT

Pursuant to the Court's order of September 25, 2018, (Dkt. No. 265), and previous orders in this matter, the petition for a writ of habeas corpus is **GRANTED** on the basis of the *Brady v. Maryland*, 373 U.S. 83 (1963), errors described in Claims C and D, and on the basis of cumulative error as described in Claim L. Petitioner's judgment of conviction and sentence are accordingly **VACATED**. Claims A and B are **DENIED** and **MOOT**. Respondent shall release Petitioner from custody unless the state commences proceedings to retry him within 120 days of the date of entry of judgment on this order.

IT IS SO ORDERED.

Dated: September 25, 2018



BETH LABSON FREEMAN
United States District Judge