

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JOHN FLOYD

CIVIL ACTION

VERSUS

NO: 11-2819

BURL CAIN, WARDEN

SECTION: R

**ORDER & REASONS**

Petitioner moves the Court to alter and amend its order adopting the Magistrate Judge's report and recommendation.<sup>1</sup> In light of today's ruling by the Supreme Court in *McQuiggin v. Perkins*, No. 12-126 (May 28, 2013), Petitioner's motion is granted, and this Court's Order adopting the Report and Recommendation is vacated.<sup>2</sup> This case is remanded to the Magistrate Judge to consider solely the issue of whether *McQuiggin v. Perkins* provides an avenue for relief.

New Orleans, Louisiana, this 28th day of May, 2013.



SARAH S. VANCE

UNITED STATES DISTRICT JUDGE

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<sup>1</sup> R. Doc. 52; R. Doc. 54.

<sup>2</sup> R. Doc. 52.