

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**RIGOBERTO FUNES**

**CIVIL ACTION**

**VERSUS**

**NO. 14-1342  
c/w 19-9795**

**BURL CAIN, WARDEN**

**SECTION "A"**

**ORDER**

On May 8, 2020, this Court stayed the petitioner's consolidated petitions for relief pursuant to 28 U.S.C. § 2254 pending the Supreme Court's decision in *Edwards v. Vannoy*, 141 S. Ct. 1547 (2021). The question to be addressed in *Edwards* was whether the jury-unanimity rule announced in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), applied retroactively on federal collateral review. *Ramos* had not been decided when Magistrate Judge Wilkinson issued his Report and Recommendation, and relying on then-controlling federal law, he denied relief on the non-unanimous jury issue. In *Edwards* the Supreme Court held that *Ramos* does not apply retroactively on federal collateral review. 141 S. Ct. at 1562.


Nonetheless, on May 30, 2023, the Court issued an Order allowing the petitioner to supplement his prior objection to the Report and Recommendation in light of the *Edwards* decision, which again does not apply *Ramos* retroactively on federal collateral review. The petitioner has not supplemented the earlier-filed objection.

Accordingly, the Court, having considered the consolidated petitions, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge,

and the objection to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

**IT IS ORDERED** that the consolidated petitions of Rigoberto Funes for issuance of a writ of habeas corpus under 28 U.S.C. § 2254 are **DENIED** and **DISMISSED WITH PREJUDICE**.

July 11, 2023

  
UNITED STATES DISTRICT JUDGE