

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DARRYL TATE

CIVIL ACTION

V.

NO. 14-2145

N. BURL CAIN

SECTION "F" (1)

ORDER

Before the Court is the State of Louisiana's objections to Magistrate Judge Shushan's March 3, 2016 Report & Recommendation to grant Darryl Tate's habeas corpus petition.

IT IS ORDERED that Darryl Tate's petition for habeas corpus is GRANTED.

IT IS FURTHER ORDERED that this case is remanded to state court and the state trial court shall hold a hearing on the petitioner's underlying motion to correct illegal sentence in a manner consistent with Miller and Montgomery. The petitioner shall be released if no such hearing is held within 90 days of this Order.

New Orleans, Louisiana, April 21, 2016



MARTIN C. FELDMAN
UNITED STATES DISTRICT JUDGE