

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FRANK GRIFFIN

VERSUS

N. BURL CAIN, WARDEN

CIVIL ACTION

NO. 15-0158


SECTION "T"(4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the objection by petitioner, Frank Griffin, which is hereby **OVERRULED**, approves the Magistrate Judge's Findings and Recommendation and adopts it as its opinion in this matter. Therefore,

IT IS ORDERED that Frank Griffin's petition for issuance of a writ of habeas corpus under 28 U.S.C. § 2254 is **GRANTED**, his sentence is **VACATED**, and the 21st Judicial District Court for Tangipahoa Parish, Louisiana is **ORDERED** to, within ninety (90) days of issuance of this Order, either resentence Griffin or otherwise bring his sentence into conformity with *Miller v. Alabama*, __ U.S. __, 132 S. Ct. 2455 (2012), or release Griffin from confinement.

New Orleans, Louisiana, this 19th day of December, 2016.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE