

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

PATRICK MATTHEWS

CIVIL ACTION

VERSUS

NO. 15-430

BURL CAIN, WARDEN

SECTION: "G"(1)

ORDER

The Court, having considered the petition, the record, the applicable law and the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file any 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 own opinion. Accordingly,

IT IS ORDERED that Patrick Matthews' federal application for habeas corpus relief is **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED that Matthews' excessive sentence claim is **GRANTED** and **IT IS ORDERED** that he be released from confinement unless the state court resents him to a constitutional sentence in accordance with this Court's opinion within one hundred twenty (120) days.

IT IS FURTHER ORDERED that Matthews' federal application is **DENIED** in all other respects.

NEW ORLEANS, LOUISIANA, this 29th day of August, 2018.


NANNETTE JOLIVETTE BROWN
CHIEF JUDGE
UNITED STATES DISTRICT JUDGE