

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
2009 MAY 28 A 10:21

JASON HACKER (#383727)

CIVIL ACTION

VERSUS

NO. 07-204-C

BURL CAIN, ET AL

RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Stephen C. Riedlinger dated January 28, 2009. Defendants have filed an objection which the court has considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the petitioner's application for habeas corpus relief is denied as to Claims 1 through 4 and as to the second through fourth components of Claim 5. Further, counsel shall be appointed to represent the petitioner, pursuant to Rule 8(c), Rules Governing Section 2254 Cases, and as provided by the Criminal Justice Act, 28 U.S.C. § 3006A(a)(2)(B), and an evidentiary hearing will be held on the first component of Claim 5, specifically, ineffective assistance of counsel for failure to call Eula Jackson

and Joseph Jackson as witnesses at the trial.

Baton Rouge, Louisiana, May 27, 2009.



RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA