

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DOUGLAS BARNES

CIVIL ACTION

VERSUS

WARDEN BURL CAIN

NO. 07-274-JJB

**RULING ON OBJECTION TO MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION**

This case is before the Court on an Objection (Doc. 65) to the Magistrate Judge’s Second Supplemental Report and Recommendations (Doc. 64) filed by the plaintiff, Douglas Barnes (Barnes). The defendant filed an opposition (Doc. 66), and Barnes replied (Doc. 69). On June 22, 2015, the Court heard oral argument.

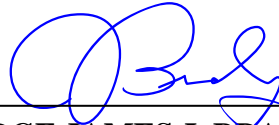
Analysis

Magistrate Judge Riedlinger’s Second Supplemental Report and Recommendations lay out the factual background and the legal issues thoroughly and succinctly. The Court held oral argument primarily to address the “actual innocence” issue in light of the Cosimini affidavit, which indicated Barnes may not have participated directly in the beating of the victim. Although Magistrate Judge Riedlinger found the affidavit unreliable, he noted that, even if it were reliable, there was still sufficient evidence to find Barnes guilty as a principal—including contradicting evidence from other eyewitnesses. (Doc. 64 at 27). After hearing arguments from both parties relating to the actual innocence issue and the other tolling issues, the Court is satisfied that Magistrate Judge Riedlinger’s Report and Recommendations are legally correct.

Conclusion

For the foregoing reasons, the original Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 By a Person in State Custody, and the Supplemental Petition for Writ of Habeas Corpus Under 28 U.S.C. §2254 By a Person in State Custody, filed by petitioner Douglas Barnes, is DENIED.

Signed in Baton Rouge, Louisiana, on August 3, 2015.



**JUDGE JAMES J. BRADY
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**