

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PORTER MAJOR

VERSUS

N. BURL CAIN, ET AL.

CIVIL ACTION

NO. 09-279-C

RULING

The court, after carefully considering the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland dated April 6, 2010, to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the Motion to Set Aside Judgment Due to Fraud Upon the Court under F.R.C.P., Rule 60(B)(3) and/or Rule 60(B)6 and/or U.S.C.A 18 §1001 as well as Conspiracy under U.S.C.A. 18 §241, and §242, and/or §371 (rec. doc. 23) filed by petitioner, Porter Major, is granted, and the Court's prior judgment (rec. doc.12) in this matter dated September 29, 2009, dismissing his habeas petition as untimely-filed, is vacated.

Further, the State of Louisiana, through the Office of the District Attorney for the 19th Judicial District Court, Parish of East Baton Rouge shall file a response to the

merits of Porter Major's habeas petition within 21 days of the date of this ruling.

Baton Rouge, Louisiana, ~~May~~ *June 11*, 2010.


RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA