

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ANTHONY THOMAS
VERSUS
BURL CAIN, ET AL.

CIVIL ACTION
NO 14-147-JJB-RLB

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 Richard L. Bourgeois, Jr. dated February 9, 2017 (doc. no. 17). The State of Louisiana has filed an objection which essentially makes the same arguments and has been duly addressed by the Magistrate Judge.

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 GRANTED. Further, the petitioner's conviction and sentence is VACATED and this matter is REMANDED to the state court to determine what non-jeopardy barred retrial, if any, is to be had.

Baton Rouge, Louisiana, this 6th day of March, 2017.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE