

Case No. 3:08-CV-2479
Gwin, J.

judge. Moreover, the Court of Appeals found no evidence of actual vindictiveness.^{1/} The Sixth Circuit accordingly reversed this Court's ruling and remanded for an order denying Goodell's habeas petition.

Therefore, as required by the Sixth Circuit's July 11, 2011 judgment, the Court **DENIES** Petitioner Goodell's petition for a writ of habeas corpus.

IT IS SO ORDERED.

Dated: August 26, 2011

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{1/} The Court of Appeals noted in part that any presumption of vindictiveness was rebutted, because the resentencing judge had the benefit of a presentence report containing "objective information not available to the first sentencing judge" But this conclusion ignores the important fact that the state court judge who sentenced Goodell after his original trial had also presided over Goodell's arraignment and bond hearing, and thus would have been presented with Goodell's criminal history for the purpose of ordering bond and, later, imposing a sentence.