

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF OHIO**

AMENDED JUDGMENT IN A CIVIL CASE

EUGENE ANDERSON,  
  
Petitioner,

CASE NO. 2:05-cv-1089  
JUDGE MARBLEY  
MAGISTRATE JUDGE KEMP

v.

THOMAS McBRIDE, Warden,  
REGINALD WILKINSON, et al.,

Respondents.

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the March 6, 2009 Order, petitioner's objections are **SUSTAINED**. The petition for a writ of habeas corpus conditionally is granted on petitioner's claim that his sentence violates *Blakely*. Petitioner's sentence is **VACATED**. The State must release petitioner or re-sentence him within sixty (60) days. The *Report and Recommendation* otherwise is **ADOPTED** and **AFFIRMED**. The remainder of petitioner's claims are **DISMISSED**.

Date: **March 6, 2009**

**James Bonini, Clerk**

s/Betty L. Clark

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Betty L. Clark/Deputy Clerk