

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEMPIS SONGSTER	:	CIVIL ACTION
	:	
v.	:	NO. 04-5916
	:	
JEFFREY A. BEARD, DAVID DIGUGLIELMO, THE DISTRICT ATTORNEY OF PHILADELPHIA and THE ATTORNEY GENERAL OF PENNSYLVANIA	: : : : : : : : :	

ORDER

NOW, this 17th day of August, 2016, upon consideration of the petitioner's Third Amended Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (Document No. 36), the respondents' response, and upon remand by the Third Circuit Court of Appeals, it is **ORDERED** that the petition is **GRANTED**.

IT IS FURTHER ORDERED as follows:

1. The petition is **GRANTED** to the extent that it challenges the petitioner's mandatory sentence of life without parole in light of *Miller v. Alabama*, 132 S. Ct. 2455 (2012);
2. The petitioner's sentence in *Commonwealth v. Songster*, CP-51-CR-1102961-1987, is **VACATED**;
3. The petitioner shall be resentenced within 120 days of the date of this Order;
4. The time limit within which the petitioner must be resentenced may be extended upon a showing of reasonable cause.

/s/Timothy J. Savage
 TIMOTHY J. SAVAGE, J.