

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

<b>ANTHONY WASHINGTON,</b>	:	
<b>Petitioner,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	<b>No. 07-3462</b>
<b>JEFFREY BEARD, Commissioner,</b>	:	
<b>Pennsylvania Department of</b>	:	<b>THIS IS A CAPITAL CASE</b>
<b>Corrections, et al.,</b>	:	
<b>Respondents.</b>	:	

**ORDER**

**AND NOW**, this 27<sup>th</sup> day of March 2012, upon consideration of the Respondent’s Motion In Limine in Light of the Recent Decision in Cullen v. Pinholster (Doc. No. 87) and all responses and replies thereto, it is hereby **ORDERED** that the motion is **GRANTED IN PART AND DENIED IN PART**.

It is **FURTHER ORDERED**, upon consideration of the Respondent’s Motion to Preclude the Expert Testimony of Dr. Steven Penrod (Doc. No. 86) and Petitioner’s Response thereto (Doc. No. 93), it is hereby **ORDERED** that the motion is **DENIED** without prejudice with the right to object after a Daubert hearing, which will be scheduled in a subsequent court Order.

BY THE COURT:

/s/LAWRENCE F. STENGEL  
LAWRENCE F. STENGEL, J.