

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

JAMES WASHINGTON, : CIVIL ACTION
 : NO. 10-2869
Petitioner, :
 :
v. :
 :
JEFFREY BEARD, et al., :
 :
Respondents. :

O R D E R

AND NOW, this **6th** day of **June, 2012**, it is hereby
ORDERED as follows:

(1) The Report and Recommendation (ECF No. 15) is
APPROVED in part and **ADOPTED in part**, consistent with the
accompanying Memorandum Opinion.

(2) Petitioner's Objections to the Report and
Recommendation (ECF No. 18) are **OVERRULED in part** and **SUSTAINED**
in part, consistent with the accompanying Memorandum Opinion.

(3) The Petition for a Writ of Habeas Corpus (ECF No.
1) is **GRANTED**, and the Commonwealth of Pennsylvania shall either
release or retry Petitioner within 120 days of entry of this
Order.

(4) The Clerk of Court shall mark this case **CLOSED**.

AND IT IS SO ORDERED.

/s/Eduardo C. Robreno
EDUARDO C. ROBRENO, J.