EARP v. WETZEL et al Doc. 18

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

ALAN EARP,	:	**CIVIL ACTION**
Petitioner,	:	
	:	
v.	:	**No. 13-7023**
	:	
JOHN E. WETZEL, ***et al***	:	
Respondents.	:	

ORDER

AND NOW, this 23rd day of January 2017, upon consideration of Mr. Earp's Petition under 28 U.S.C. § 2254 for a Writ of *Habeas Corpus* (ECF Doc. No. 2), the response (ECF Doc. No. 16), and for reasons in the accompanying Memorandum, it is **ORDERED** Mr. Earp's Petition (ECF Doc. No. 2) is conditionally **GRANTED** requiring the Commonwealth release Mr. Earp from custody unless he is resentenced on or before **July 28, 2017** subject to the parties' agreeing to extend this deadline or upon a showing of good cause for further delay unrelated to arguments already presented and denied by us.[1]

KEARNEY, J.

[1] Mr. Earp must be resentenced under *Montgomery v. Louisiana*, 577 U.S. __, 136 S.Ct. 718 (2016) and *Miller v. Alabama*, 567 U.S. __, 132 S.Ct. 2455 (2012). *See Songster v. Bread*, ---F. Supp. 3d---, No. 04-5916, 2016 WL 4379233 (E.D. Pa. August 17, 2016).

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