

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

<b>ANTHONY WRIGHT,</b> <b>Petitioner,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	<b>No. 15-2161</b>
	:	
<b>MICHAEL WENEROWICZ, <u>ET AL.</u>,</b> <b>Respondents.</b>	:	
	:	
	:	

**ORDER**

**AND NOW**, this 11<sup>th</sup> day of July, 2016, upon careful and independent consideration of the petition for a writ of habeas corpus and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa and Petitioner’s Objections thereto, it is hereby **ORDERED** that:

1. Petitioner’s objections as to ground one are **SUSTAINED**. Petitioner’s objections are **OVERRULED** in all other respects.
2. The Petition for Writ of Habeas Corpus is **GRANTED** as to ground one. Petitioner’s conviction and sentence for burglary are **VACATED**. Respondent is directed to **RELEASE** Petitioner from the custody resulting from the judgment of conviction on the burglary count.
3. The Report and Recommendation as to grounds two through six is **APPROVED** and **ADOPTED**.
4. The Petition for Writ of Habeas Corpus is **DENIED** as to grounds two, three and six.
5. The Petition for Writ of Habeas Corpus is **DISMISSED** as to claims four and five.

6. A certificate of appealability **SHALL NOT** issue as to the disposition of grounds two through six, in that Petitioner has not demonstrated that a reasonable jurist would debate the correctness of this ruling. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).<sup>1</sup>
7. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

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**MITCHELL S. GOLDBERG, J.**

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<sup>1</sup> I have not addressed whether a certificate of appealability shall issue with respect to the disposition of ground one because “[a] certificate of appealability is not required when a state or its representative or the United States or its representative appeals.” Fed. R. App. P. 22(b)(3).