

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

KNOWLEDGE BROWN,  
Petitioner,

CIVIL ACTION

v.

NO. 17-cv-2236

SUPERINTENDENT KEVIN  
KAUFFMAN, et al.  
Respondents.

FILED

DEC - 4 2019

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

ORDER

AND NOW, this *3d* day of *December*, 2019, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for habeas corpus filed pursuant to 28 U.S.C. § 2254 is GRANTED as to the ineffective assistance of trial counsel claim for failing to object to the reasonable doubt jury instruction. The Commonwealth shall retry Petitioner or release him from all custody within one-hundred and eighty (180) days of the Order.
3. Claim Two is DEFERRED, as the writ is being granted on other grounds.

BY THE COURT:

*Joel H. Slomsky*  
JOEL H. SLOMSKY, J.