Risjan v. Wetzel et al Doc. 47

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SHANE DAVID RISJAN,	:	
Petitioner	:	**CIVIL ACTION NO. 3:15-CV-268**
v.	:	**(JUDGE MARIANI)**
	:	**(Magistrate Judge Mehalchick)**
JOHN WETZEL, et al.,	:	
Respondents.	:	

ORDER

AND NOW, THIS 15th **DAY OF JULY 2019**, upon consideration of Magistrate Judge Mehalchick's R&R (Doc. 29) recommending dismissal of Petitioner's § 2254 Petition with prejudice, for the reasons discussed in the simultaneously filed Memorandum Opinion, **IT IS HEREBY ORDERED THAT**:

1. The R&R (Doc. 29) is **NOT ADOPTED**;
2. The 28 U.S.C. § 2254 Petition (Doc. 1) is **GRANTED** to the extent that the Commonwealth of Pennsylvania is directed to release Petitioner within ninety (90) days unless the Commonwealth reinstates Petitioner's appeal rights *nunc pro tunc*.

Robert D. Mariani
United States District Judge

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