

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Favian A. Hayes,
Petitioner,
vs.
Warden, Lee Correctional Institution,
Respondent.

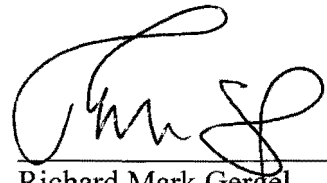
C.A. No. 4:14-3778-RMG

ORDER

RECEIVED
USDC, DISTRICT OF SOUTH CAROLINA
2015 JUN 30 P 3:43

By earlier order (Dkt. No. 35), Respondent was advised that unless Petitioner's request for the restoration of direct appeal rights and appointment of counsel was voluntarily granted within 10 days of the order, this Court would grant the petition for a writ of habeas corpus and the requested relief. The Respondent timely filed a response indicating that it would be necessary for the Court to grant the requested relief in order to restore Petitioner's appellate rights. (Dkt. No. 38). Therefore, the Court issues this final order (1) ADOPTING the R & R of the Magistrate Judge (Dkt. No. 32) as the order of the Court; (2) GRANTING the writ of habeas corpus; and (3) DIRECTING the restoration of Petitioner's direct appeal rights and appointment of counsel. This grant of the writ of habeas corpus does not affect Petitioner's current incarceration status during the pendency of the appeal.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Judge

June 30, 2015
Charleston, South Carolina