UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY ROBERTS,

Petitioner,

v.

JEFF LYNCH, Warden of the California State Prison at Sacramento,[1]

Respondent.

No. 2:93-cv-00254-DAD-DB (HC) (DP)

ORDER GRANTING PETITION FOR WRIT OF HABEAS CORPUS

(Doc. No. 571)

On October 28, 2022, this court conditionally granted petitioner's application for a writ of habeas corpus. (Doc. No. 569.) Petitioner's conviction for the murder of Charles Gardner would be vacated unless the state commenced a new trial within a reasonable time. (*Id.* at 199.) The state has now informed the court that it will not retry petitioner. (Doc. No. 571 at 1–2.) The state therefore requests that the court to issue the writ and vacate petitioner's conviction for the murder of Charles Gardner. (*Id.*)

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[1] Pursuant to Federal Rule of Civil Procedure 25(d), Jeff Lynch, Warden of Sacramento State Prison, shall be substituted as Respondent.

Accordingly, and for the reasons set forth in the court's October 28, 2022 order, this court grants petitioner's application for a writ of habeas corpus. Petitioner's conviction for the murder of Charles Gardner is vacated. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **June 29, 2024**

Dale A. Drozd

DALE A. DROZD
UNITED STATES DISTRICT JUDGE