

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID LALL #612641,

Petitioner,

File No. 1:09-CV-453

v.

HON. ROBERT HOLMES BELL

DAVID BERGH,

Respondent.

_____ /

ORDER

In accordance with the opinion entered this date,

IT IS HEREBY ORDERED that Magistrate Judge Joseph G. Scoville's January 2, 2013, Report and Recommendation (Dkt. No. 49) is **APPROVED** and **ADOPTED** by the Court.

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus (Dkt. No. 1) is **DENIED IN PART**, as to the first and third grounds for relief, and **GRANTED IN PART**, on the ground that Petitioner's second trial for CSC I violated the collateral estoppel component of the Double Jeopardy Clause.

IT IS FURTHER ORDERED that an **UNCONDITIONAL WRIT** is entered releasing Petitioner from custody and barring his retrial for CSC I.

Dated: March 14, 2013

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE