

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JOHNNY BACA,
Petitioner-Appellant,

v.

DERRAL ADAMS,
Respondent-Appellee.

No. 13-56132

D.C. No.
5:08-cv-00683-
MMM-PJW

ORDER

Appeal from the United States District Court
for the Central District of California
Margaret M. Morrow, District Judge, Presiding

Argued and Submission Deferred January 8, 2015
Resubmitted January 30, 2015
Pasadena, California

Filed January 30, 2015

Before: Alex Kozinski, Kim McLane Wardlaw,
and William A. Fletcher, Circuit Judges.

Order

COUNSEL

Patrick J. Hennessey, Jr. (argued), Law Office of Patrick Hennessey, San Diego, California, for Petitioner-Appellant.

David Delgado-Rucci, Kevin Vienna (argued), Office of the California Attorney General, San Diego, California, for Respondent-Appellee.

ORDER

Respondent's unopposed motion to summarily reverse the district court's judgment is hereby GRANTED.

The judgment below is REVERSED. The district court is directed to enter an order granting a conditional writ of habeas corpus, releasing Baca from custody unless the state of California retries him within a reasonable period of time.

REVERSED and REMANDED. The mandate shall issue forthwith.