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PROPST, District Judge, concurring in part and dissenting in part:

I concur in the court's opinion, except as to the holding in the last paragraph of section IV.D.2. There, the court holds that the district court erred in assessing the evidence's materiality from a post-trial perspective rather than from the perspective of a reasonable official in the position of Tate, Ikner, and Benson. I think that the district court implicitly, if not explicitly, considered "whether every reasonable official in the position of Tate, Ikner, and Benson would understand that withholding those particular pieces of evidence would undermine confidence in the outcome of McMillian's trial." It is hard to see how a holding that evidence is "clearly exculpatory" could suggest anything else.