

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Chad Evans,
Petitioner

v.

No. 1:08-cv-105-JD

Warden,
New Hampshire State Prison,
Respondent

OBJECTION TO MOTION FOR SUMMARY JUDGMENT

Chad Evans objects to the Warden's Motion for Summary Judgment.

In support, Evans states:

1. He incorporates by reference all factual assertions and legal arguments in his Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2254.

2. Evans agrees that no evidentiary hearing is necessary to resolve the pending issues and that the Court may enter judgment on the pleadings.

3. Evans asserts that the Warden is not entitled to summary judgment as a matter of law. In addition to the arguments in his Petition, Evans had filed a Memorandum of Law to support both this Objection and his separately-filed Cross Motion for Summary Judgment.

WHEREFORE, Evans respectfully requests that this Honorable Court deny the Warden's Motion for Summary Judgment.

-2-

Respectfully submitted,

/s/ David M. Rothstein

By _____
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been emailed this 17th day of March, 2010, to:

Elizabeth C. Woodcock
Assistant Assistant Attorney General
at: Elizabeth.Woodcock@doj.nh.gov

/s/ David M. Rothstein
David M. Rothstein

DATED: March 17, 2010