

Not for Publication in West's Federal Reporter

**United States Court of Appeals  
For the First Circuit**

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No. 11-2214

JOHN WHITNEY,  
Petitioner, Appellant,

v.

LUIS SPENCER,  
Respondent, Appellee.

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Mark L. Wolf, U.S. District Judge]

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Before

Lynch, Chief Judge,  
Lipez and Howard, Circuit Judges.

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Joseph F. Krowski for appellant.

Amy L. Karangekis, Assistant Attorney General, with whom  
Martha Coakley, Attorney General of Massachusetts, was on brief,  
for appellee.

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August 30, 2012

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