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JUN 15 2009

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STEVEN M. HUNTER,
Petitioner

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

CIVIL ACTION
Section "P"
NO. CV06-1745-A

VERSUS

U.S. PAROLE COMMISSION,
Respondent

JUDGE DEE D. DRELL
MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

Before the court is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 by Steven M. Hunter, challenging a decision of the United States Parole Commission in his case. Hunter filed an "emergency motion for summary judgment" (Doc. 28) because the Respondent has not filed a response to his habeas motion and his case has been pending since October 2006.

This case was previously dismissed by this court, appealed, and the judgment was vacated in part and the case remanded by the Fifth Circuit Court of Appeals in April 2009 (Doc. 19). The Respondent then filed a motion for extension of time in which to file an answer, which was granted (Doc. 33), affording the Respondent an extension of time until June 15, 2009.

Since the Respondent has been granted an extension of time in which to file an answer, a summary judgment in favor of petitioner Hunter is not appropriate at this time. Hunter's "emergency motion

for summary judgment" should be DENIED.

Conclusion

IT IS RECOMMENDED that Hunter's "emergency motion for summary judgment" (Doc. 28) be DENIED.

Under the provisions of 28 U.S.C. § 636(b)(1)(c) and Fed.R.Civ.P. 72(b), the parties have **ten (10) business days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **ten (10) days** after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the district judge before he makes a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this 15th
day of June, 2009.



JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE