

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH BUCKMAN,

Petitioner,

v.

GARY RODEN,

Respondent.

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Civil Action No. 13-cv-11413-IT

ORDER

November 24, 2014

TALWANI, D.J.

On September 24, 2013, Respondent filed a Motion to Dismiss [#14] on exhaustion grounds. On January 29, 2014, the court denied the motion without prejudice “to reassertion in connection with a dispositive motion on the merits addressing all claims made by [Petitioner].” [#21]. Respondent filed such motion and a memorandum in support of the motion on March 17, 2014. Petitioner filed a memorandum in opposition on September 2, 2014.

In light of the above, the briefing submitted in connection with the motion will be treated as the briefing on the merits of the petition. Because Petitioner’s argument that certain witnesses were intimidated into invoking their Fifth Amendment right to not self-incriminate themselves by the prosecutor was not specifically raised in the petition and because Respondent was not given the opportunity to respond to Petitioner’s briefing on the merits, Respondent shall file a memorandum of no longer than five pages addressing this claim by December 10, 2014.

IT IS SO ORDERED.

/s/ Indira Talwani
United States District Judge