

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Christopher G. Fournier

v.

Civil No. 08-cv-338-JD

Warden, Northern New Hampshire
Correctional Facility

PROCEDURAL ORDER

Christopher G. Fournier, proceeding pro se, seeks relief, pursuant to 28 U.S.C. § 2254, from his state court conviction on a charge of second degree assault and from his sentence. The Warden moved for summary judgment. Fournier moved for a "continuance in the case at bar until he is released from custody and can then have adequate access to the law." The Warden failed to respond to Fournier's motion for a continuance.

According to the docket, Fournier is living at Calumet House in Manchester, New Hampshire. Fournier asserts in his motion that he has access to the Manchester Public Library but that the library lacks resources pertaining to federal habeas corpus procedure and law. He also states that he is scheduled to be paroled on July 18, 2009, if he meets the requirements for parole. He asks that his case be stayed until he is released from custody.

Because the Warden did not respond to Fournier's motion, the court lacks information necessary to decide the matter. Therefore, the Warden shall file a response to the motion, **on or before July 8, 2009**, in which he explains: (1) whether Fournier has access to adequate legal research materials while he is living at Calumet House, (2) in particular, what resources are available to Fournier through the Manchester Public Library, and (3) whether the Warden objects to having the case stayed until Fournier is released from custody on parole.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

June 23, 2009

cc: Christopher G. Fournier
Stephen D. Fuller, Sr., Esquire
Elizabeth C. Woodcock, Esquire