

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Oliver Hooper

v.

Civil No. 08-cv-426-JD

Warden, Northern New Hampshire
Correctional Facility

O R D E R

Because of the difficulties Oliver Hooper experienced with representation in this case, in which he seeks relief under 28 U.S.C. § 2254, his response to the Warden's motion for summary judgment has been delayed repeatedly. On October 30, 2009, counsel was appointed to represent Hooper. On January 20, 2010, Hooper filed a motion to terminate representation by his appointed counsel and asked to be permitted to proceed pro se. The court granted Hooper's motion on January 26, 2010, and terminated representation by appointed counsel. The court also established deadlines for Hooper to notify the court as to whether he would rely on the response to summary judgment filed by his appointed counsel or make other filings on his own behalf.

Within the time allowed for his response, Hooper filed a motion asking to withdraw his previously-granted motion to terminate representation by his appointed counsel or to reconsider the order terminating the representation of his

appointed counsel. Hooper now contends that he has had the opportunity to review the objection to summary judgment filed on his behalf by appointed counsel and is satisfied with appointed counsel's representation. Based on Hooper's motion, the court will consider the objection to summary judgment filed on Hooper's behalf on January 18, 2010, as Hooper's filing in opposition to the Warden's motion for summary judgment.

The representation of appointed counsel has been terminated, however, and the court will not revisit that issue. Hooper asked to proceed pro se, and his request was granted. Therefore, Hooper is proceeding pro se in this case.

Conclusion

For the foregoing reasons, Hooper's motion for reconsideration (document no. 34) is granted to the extent that the objection to summary judgment (document no. 30), filed on Hooper's behalf by appointed counsel on January 18, 2010, is accepted as his response to the Warden's motion for summary judgment.

Because Hooper is proceeding pro se and will continue to proceed pro se, any additional filings in this case are his responsibility.

The deadline for the Warden to file a notice of intent to file a reply to the objection to summary judgment (document no. 30) will be three days after the filing date of this order.

If the Warden files a reply, Hooper will have ten days from the date the reply is filed to file a motion for leave to file a surreply, which must be accompanied by a copy of his proposed surreply.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

February 10, 2010

cc: Oliver Hooper, #78519, pro se
Elizabeth C. Woodcock, Esquire