

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Robert V. Towle

v.

Case No. 15-cv-117-SM

Warden, New Hampshire State Prison

O R D E R


After due consideration of the objection filed (doc. no. 54), I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated December 20, 2016, for the reasons set forth therein.

The respondent's Motion to Dismiss (doc. no. 18) is hereby denied with prejudice to the respondent's ability to assert, in a motion for summary judgment, that claims in the petition are procedurally defaulted.

The petitioner's Motion for a More Definite Statement (doc. no. 24) and Motion to Bar and Preclude Respondent's Motion to Dismiss (doc. no. 26) are here denied as moot.

The deadline for filing a motion for summary judgment in this matter will be sixty days from the date of this order.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

Date: February 2, 2017

cc: Robert V. Towle #68236
Elizabeth C. Woodcock, Esq.
Lynmarie C. Cusack, Esq.