

# United States Court of Appeals For the First Circuit

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No. 08-1751

ROBERT FOXWORTH,  
Petitioner, Appellee,

v.

PETER ST. AMAND,  
Respondent, Appellant.

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APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Rya W. Zobel, U.S. District Judge]

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Before

Lynch, Chief Judge,  
Selya and Siler,\* Circuit Judges.

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Susanne G. Reardon, Assistant Attorney General, Commonwealth of Massachusetts, with whom Martha Coakley, Attorney General, was on brief, for appellant

John M. Thompson, with whom Linda J. Thompson and Thompson & Thompson, P.C. were on brief, for appellee.

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July 22, 2010

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\* Of the Sixth Circuit, sitting by designation.

**Per Curiam.** For reasons elucidated in our earlier opinion in this appeal, see Foxworth v. St. Amand, 570 F.3d 414 (1st Cir. 2009), as augmented by the decision of the Supreme Judicial Court of Massachusetts in response to our certified question, see Foxworth v. St. Amand, \_\_\_ N.E.2d \_\_\_, [2010 WL 2617381 (Mass. Jul. 2, 2010)] (Mass. 2010); see also Mass. S.J.C. R. 1:03, we reverse the decision of the district court and direct the entry of a judgment denying and dismissing the underlying habeas corpus petition. Each party shall bear his own costs.

**The judgment is reversed and the habeas petition is denied and dismissed.**