

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

DOUGLAS R. McCARROLL,                   :  
    Petitioner,                            :  
  :  
v.   :  
  :  
  :  
UNITED STATES OF AMERICA,           :  
    Respondent.                          :

Crim. No. 3:94cr240 (AHN)  
Civ. No. 3:00cv198 (AHN)

RULING ON LOCAL RULE 7 MOTION

On November 11, 2004, this court denied Douglas McCarroll's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255. Since that time, McCarroll has filed eight motions that seek, in one way or another, to challenge the court's ruling [doc #482] denying his § 2255 petition. His latest motion [doc # 498] urges the court to invoke D. Conn. R. Civ. P. 7 and grant his previous motion for reconsideration [doc # 496] on the grounds that the government did not file a response within the 21 days specified by the rule. However, the court denied McCarroll's motion for reconsideration on June 2, 2006, and thus his D. Conn. R. Civ. P. 7 motion [doc # 498] is DENIED as moot.

Even if McCarroll's motion for reconsideration were still pending, the court observes that D. Conn. R. Civ. P. 7 does not require the court to grant any motion to which no response has been filed within 21 days. On the contrary, the rule provides that "[f]ailure to submit a memorandum in opposition may be deemed sufficient cause to grant the motion, except where the pleadings provide sufficient grounds to deny the motion."

D. Conn. R. Civ. P. 7(a) (1) (emphasis added). McCarroll has had ample opportunity to litigate his claims on direct appeal and pursuant to 28 U.S.C. § 2255. This court will not exercise its discretion to grant McCarroll's meritless motions simply because the government has chosen not to respond to his eighth motion for reconsideration.

So ordered this 18th day of July, 2006, at Bridgeport, Connecticut.

\_\_\_\_\_/s/\_\_\_\_\_

Alan H. Nevas,  
United States District Judge