

FILED

OCT 20 2004

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

LARRY W. PROPPS, CLERK
CHARLESTON, SC

Jose Padilla,

Petitioner,

VS.

Commander C. T. Hanft, USN Commander,
Consolidated Naval Brig.

Respondent

C/A No. 2:04-2221-26AJ

**PETITIONER'S MOTION
FOR SUMMARY JUDGMENT**

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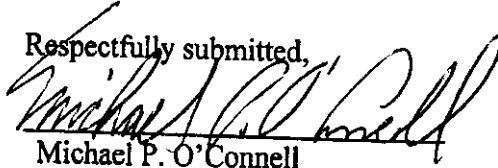
Pursuant to Fed. R. Civ. Pro. 56, Petitioner Jose Padilla moves for summary judgment against Respondent Commander C. T. Hanft on Counts One and Two of his Petition for Writ of Habeas Corpus, filed July 2, 2004. Summary judgment is compelled because there is no genuine issue as to any fact material to the legal claim presented in this motion. In support of his motion, Petitioner relies on the attached Memorandum of Law and the Appendix attached thereto. A proposed Order is attached.

WHEREFORE, it is respectfully submitted that this motion should be granted and that judgment should enter as a matter of law for Petitioner.

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Respectfully submitted,



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