

Granted



Honorable James W. Kennedy

February 1, 2026

**THE STATE OF NEW HAMPSHIRE**

**MERRIMACK, SS.**

**SUPERIOR COURT**

Pamela Smart

v.

State of New Hampshire, et al.

Case No. 217-2026-CV-00014

MERRIMACK SUPERIOR  
2026 JAN 30 PM 12

**ASSENTED-TO MOTION TO EXTEND TIME TO FILE A RESPONSIVE PLEADING  
AND CANCEL THE FEBRUARY 27, 2026 HEARING**

The respondents, the State of New Hampshire and the New Hampshire State Prison for Women, with the assent of petitioner’s counsel, hereby move to extend the time to file a responsive pleading to the Petition for a Writ of Habeas Corpus and to cancel the February 27, 2026. In support thereof, the respondents state the following:

1. On January 20, 2026, the State of New Hampshire, through counsel, accepted service of the petitioner’s petition for a writ of habeas corpus.

2. The summons attached to the petition gave the respondents 30 days after service to answer or file an other responsive pleading. It also scheduled a one hour hearing on the petition for February 27, 2026.

3. Given the length of the petition, counsel for the State will not be able to fully review and respond to it within thirty days and, even if it could, if the State files a motion to dismiss one or more of the claims in the petition by the 30-day deadline, which it anticipates filing at this point in time, the petitioner will likely not have time to file a written objection prior to the February 27, 2026 hearing.

4. The respondents are therefore requesting a 30-day extension of time to file a responsive pleading, putting the deadline for such a filing at March 23, 2026.

5. The respondents are further requesting that the court cancel the February 27, 2026 hearing. The parties anticipate requesting a hearing after the respondent files a responsive pleading, and the petitioner is able to file a response to that filing.

6. Counsel for the petitioner assents to the relief requested in this motion.

WHEREFORE, the respondents respectfully request this Honorable Court issue an order:

- A. Granting the respondents until March 23, 2026 to file a responsive pleading to the petitioner's Petition for a Writ of Habeas Corpus;
- B. Canceling the February 27, 2026 hearing; and
- C. Granting such further relief as the court deems just and equitable.

Respectfully Submitted,

THE STATE OF NEW HAMPSHIRE &  
NEW HAMPSHIRE STATE PRISON FOR WOMEN

By Their Attorney,

JOHN M. FORMELLA  
ATTORNEY GENERAL

January 30, 2026

*/s/ Anthony J. Galdieri*  
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**CERTIFICATE OF SERVICE**

I, Anthony J. Galdieri, hereby certify that I am emailing a copy of this assented-to motion on counsel for the petitioner this day consistent with an agreement between the parties for email service of such court filings.

January 30, 2026

/s/ Anthony J. Galdieri  
Anthony J. Galdieri