

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO.: 5:20-ct-03231-M**

BRETT ABRAMS,

Plaintiff,

v.

WILLIS J. FOWLER,

Defendant.

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff Brett Abrams, through undersigned counsel, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, respectfully moves the Court for summary judgment on all claims asserted in his Amended Complaint [D.E. 7].

In support of his motion, Plaintiff states that there are no genuine issues of material fact concerning his claim that the North Carolina Post-Release Review and Parole Commission has violated his constitutional rights under the Eighth Amendment by failing to afford him a meaningful opportunity for parole based upon his demonstrated maturity and rehabilitation. Accordingly, Plaintiff is entitled to judgment as a matter of law. Support for Plaintiff's motion is included in his supporting Memorandum of Law, Local 56.1 Statement of Material Facts, and exhibits thereto, all of which have been filed contemporaneously herewith.

WHEREFORE, Plaintiff respectfully prays the Court as follows:

1. That the Court grant Plaintiff's Motion for Summary Judgment and enter judgment for Plaintiff on his Eighth Amendment claim;
2. That the Court declare the North Carolina Post-Release Supervision and Parole Commission's current parole regime unconstitutional as applied to Plaintiff;
3. That the Court enjoin the North Carolina Post-Release Supervision and Parole Commission from using its current parole regime with respect to Plaintiff Abrams;
4. That the Court schedule briefing and/or set a hearing for the parties to submit respective plans for the means and mechanism for the North Carolina Post-Release Supervision and Parole Commission to come into compliance.

Dated: March 4, 2024

By: /s/ Jacob H. Sussman

SOUTHERN COALITION FOR SOCIAL JUSTICE
Jacob H. Sussman, N.C. Bar No. 31821
Tanita S. Holmes, N.C. Bar No. 57579
PO Box 51280
Durham, NC 27717
Tel: 919-323-3380
jsussman@scsj.org
tanita@scsj.org

Attorneys for Plaintiff Brett Abrams

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

James B. Trachtman
jtrachtman@ncdoj.gov

Dated: March 4, 2024

By: /s/ Jacob H. Sussman

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Jacob H. Sussman, N.C. Bar No. 31821
PO Box 51280
Durham, NC 27717
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jsussman@scsj.org

Attorneys for Plaintiff Brett Abrams