

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the 5th day of November Two thousand four.

PRESENT:

RICHARD J. CARDAMONE
JOSÉ A. CABRANES
SONIA SOTOMAYOR
Circuit Judges

SCOTT HUMINSKI,

Plaintiff-Appellant,

-v.-

No. 03-7036

TOWN OF BENNINGTON, VERMONT, RICHARD GUATHIER, STUART HURD, BENNINGTON POLICE DEPARTMENT, VANESSA HAVERKOCH, as a Representative, executor, administrator, or holder of assets of or for Henry Haverkoch or for the Estate of Henry Haverkoch, HENRY HAVERKOCH (deceased),

Defendants-Appellees.

APPEARING FOR APPELLANT: ALAN URIS, Law Office of Alan Uris, (Scott

Huminski, *pro se*, on the brief) Bayside, NY

JAMES F. CARROLL, English, Carroll & Ritter,
P.C., Middlebury, VT

Appeal from a judgment of the United States District Court for the District of
Vermont (J. Garvan Murtha, *Judge*).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED,
AND DECREED** that the judgment of the District Court is hereby **AFFIRMED**.

Plaintiff appeals from a final judgment granting summary judgment for defendants.

Plaintiff argues on appeal that his federal and state constitutional rights to due process
and equal protection of the laws were violated because of various conflicts of interest in the
prosecutor's office. For the reasons stated by the District Court in its Ruling on Cross-
Motions for Summary Judgment of November 27, 2002, we hold that none of these challenges
rise to the level of reversible error.

We have considered all of plaintiff's claims on appeal and found them to be without
merit. We hereby **AFFIRM** the judgment of the District Court.

FOR THE COURT,
Roseann B. MacKechnie, Clerk of Court

By _____