

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Ramon Guerrero

v.

Civil No. 06-cv-173-SM

New Hampshire Department
of Corrections, et al.

O R D E R

Before the Court is Ramon Guerrero's complaint, filed pursuant to 42 U.S.C. § 1983 and State tort law, alleging that his constitutional rights were violated by New Hampshire Department of Corrections ("DOC") employees during his incarceration at the New Hampshire State Prison ("NHSP"). The complaint is before me for preliminary review to determine whether, among other things, it states any claim upon which relief might be granted. See 28 U.S.C. § 1915A; United States District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2). For the reasons explained fully in my Report and Recommendation issued this date, I direct that the claims alleging failure to protect, inadequate medical care and the claims raised under State law, be served against defendants Christie, Conner, Freedman, Carroll, and Ash, and I recommend the

dismissal of the remainder of the claims and defendants from this action.

As I find that plaintiff has stated claims for inadequate medical care and failure to protect upon which relief may be granted, I order the complaint (document no. 1) be served on Defendants Freedman, Christie, Conner, Carroll, and Ash. The Clerk's office is directed to serve the New Hampshire Office of the Attorney General (AG), as provided in the Agreement On Acceptance Of Service, copies of this order, the Report and Recommendation, and the complaint (document no. 1). See LR 4.3(d)(2)(C). Within thirty days from receipt of these materials, the AG will submit to the court an Acceptance of Service notice specifying those defendants who have authorized the AG's office to receive service on their behalf. When the Acceptance of Service is filed, service will be deemed made on the last day of the thirty-day period.

As to those defendants who do not authorize the AG's office to receive service on their behalf or whom the AG declines to represent, the AG shall, within thirty days from receipt of the aforementioned materials, provide a separate list of the last known addresses of such defendants. The Clerk's office is

instructed to complete service on these individuals by sending to them, by certified mail, return receipt requested, copies of these same documents.

Defendants are instructed to answer or otherwise plead within twenty days of acceptance of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the Defendants by delivering or mailing the materials to them or their attorneys, pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.

/s/ James R. Muirhead

James R. Muirhead
United States Magistrate Judge

Date: April 10, 2007

cc: Ramon Guerrero, pro se