

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

Jeffrey C. O'Neil, Sr.

v.

Civil No. 08-cv-396-SM

James O'Mara, Superintendent,
Hillsborough County House of
Corrections

REPORT AND RECOMMENDATION

The parties appeared today for a scheduled hearing on plaintiff's request for preliminary injunctive relief (document nos. 1 & 12)¹. The parties agreed, and stated on the record, that O'Neil is now receiving all of his mental health medication, and has been since February 26, 2009. Further, the defendant assures the Court that it will continue to monitor O'Neil's mental health status and medication and insure that he is being provided with appropriate mental health treatment by qualified medical and mental health professionals. Accordingly, I find that the motion for a preliminary injunction is moot and should

¹This morning, prior to the hearing, O'Neil filed a "Motion for Injunctive Relief and for Punitive Damages" (document no. 12). While I recommend dismissal of the request for preliminary injunctive relief, this Report and Recommendation does not pertain to O'Neil's request for punitive damages.

be denied without prejudice, subject to being renewed should O'Neil be again deprived of appropriate mental health treatment and medication.

Any objections to this Report and Recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: March 3, 2009

cc: Jeffrey C. O'Neil, Sr.
John Curran, Esq.
Carolyn Kirby, Esq.