

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

George Stanley

v.

Civil No. 09-cv-52-PB

Gerald Landers et al.

ORDER

Before the court are George Stanley's first and second motions to amend his complaint (doc. nos. 3 and 5), and my preliminary review to determine, among other things, whether Stanley has stated any claim upon which relief might be granted. See 28 U.S.C. § 1915(e)(2)(B); United States District Court, District of New Hampshire Local Rule ("LR") 4.3(d)(1)(B). Stanley's original complaint (doc. no. 1) asserts claims under federal and state law against defendant, Gerald Landers, a court security guard in the state court of special and limited jurisdiction in Berlin, New Hampshire.

The first motion to amend (doc. no. 3) seeks to add related claims against new defendants, Jason Jordanhasi, Landers's supervisor; the New Hampshire Administrative Office of the Courts ("AOC"); and the AOC Director, Donald Goodnow. The second motion (doc. no. 5) provides notice of the correct spelling of Landers' name. Both motions have been filed before defendants have been directed to file a response. As set forth in my Report and

Recommendation filed contemporaneously with this Order (hereinafter "Report and Recommendation"), the first motion sets forth certain facially valid claims against defendants Goodnow and Jordanhasi, and the latter motion points out a clerical error in Stanley's pleadings. I hereby grant both motions. See Fed. R. Civ. P. 15(a). The Clerk is directed to note the correct spelling of the name of Gerald Landers.

As noted in my Report and Recommendation, issued this date, Stanley's motion for a restraining order (doc. no. 4) contains factual allegations that I construe to be an addendum to the complaint. The Clerk is directed to redocket Stanley's motion (doc. no. 4) as an addendum to the complaint, without prejudice to Stanley's ability to file a new, properly supported motion for a temporary restraining order under Fed. R. Civ. P. 65(b) in this action. The factual allegations contained in all of these documents (nos. 1 and 3-5) will henceforth be considered to be the complaint in this matter for all purposes.

As explained more fully in my Report and Recommendation, the following claims may be considered, as I have enumerated them in the Report and Recommendation at page 5: Claims II, III, and VII, as to Landers, and Claims V and VII as to Goodnow and

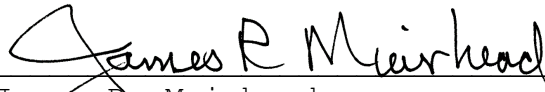
Jordanhasi. As explained in my Report and Recommendation, I recommend that Claims I, IV, and VI should be dismissed, along with all claims asserted against the AOC and the remaining defendants in their official capacities. I, therefore, order the complaint (doc. nos. 1 and 3-5) to be served on defendants Landers, Goodnow, and Jordanhasi, along with copies of my Report and Recommendation, and this Order.

My review of the file indicates that Stanley has not completed a summons including an address for each defendant. The Clerk shall provide Stanley with the necessary summons forms. Stanley shall complete summonses for each defendant named herein and submit them to the Clerk's office within thirty (30) days of the date of this Order. Upon receipt of the completed summonses, the Clerk's office shall issue the summonses against each defendant and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses and copies of the complaint (doc. nos. 1, 3-5), the Report and Recommendation, and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon Landers, Jordanhasi, and Goodnow. See Fed. R. Civ. P. 4(c)(3).

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

Stanley 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 attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.

A handwritten signature in black ink that reads "James R. Muirhead". The signature is written in a cursive style and is positioned above a horizontal line.

James R. Muirhead
United States Magistrate Judge

Date: July 23, 2009

cc: George Stanley, *pro se*

JRM/NMD