

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

Warren Picard

v.

Civil No. 09-cv-271-SM

Hillsborough County Department
of Corrections Medical Department, et al.

O R D E R

Before the Court is Warren Picard's complaint, filed pursuant to 42 U.S.C. § 1983, alleging that his Eighth Amendment rights were violated during his incarceration at the Hillsborough County Department of Corrections ("HCDOC") when he was denied adequate medical care (document no. 1). The matter is before me for preliminary review to determine, among other things, whether the complaint states any claim upon which relief might be granted. See 28 U.S.C. § 1915A; United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(2) (authorizing Magistrate Judge to conduct preliminary review of cases filed by prisoners).

As fully explained in the Report and Recommendation issued simultaneously with this Order, I find that Picard has stated claims against HCDOC Superintendent James O'Mara for violations

of his Eighth Amendment rights to be provided with adequate medical care while incarcerated at the HCDOC. In my Report and Recommendation, I also recommend that the Jane Doe Nurse Supervisor and the HCDOC Medical Department be dismissed from the action. The Report and Recommendation further explains that, while Picard has stated sufficient facts to maintain inadequate medical care claims against three HCDOC nurses -- Tito, Liz, and Jan -- he has failed to provide their full names and, as a result, those individuals cannot be served at this time. Once Picard obtains the full names of the nurse defendants, he may move to amend his complaint to add them as defendants to this action. Once those individuals are added to this action, the Clerk's Office will have those individuals served in accordance with the procedures set forth below.

I order that the complaint be served on defendant O'Mara. My review of the file indicates that plaintiff has not submitted a summons for this defendant. The Clerk's Office is instructed to forward a blank summons form to Picard to complete for defendant O'Mara. Upon receipt of the completed summons, the Clerk's Office shall issue the summons against the defendant, and forward to the United States Marshal for the District of New

Hampshire (the "U.S. Marshal's office") the summons, a copy of the complaint (document no. 1), the Report and Recommendation issued this date, and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon Defendant. See Fed. R. Civ. P. 4(c)(2).

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

Picard is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the Defendant by delivering or mailing the materials to her or her attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: November 20, 2009

cc: Warren Picard, pro se

JM:jba