

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Donald Whitten

v.

09-cv-450-SM

Northern NH Correctional Facility, et al

ORDER

I herewith approve the Report and Recommendation of Magistrate Judge Muirhead dated January 22, 2010, no objection having been filed, for the reasons stated therein. All claims asserted against the defendants in their official capacities are dismissed. Claims asserting constitutional violations relating to prison overcrowding or denial of access to grievance procedures are dismissed. The remaining claims asserting inadequate medical care and supervisory liability may proceed against defendants in their individual capacities.

SO ORDERED.

February 12, 2010

/s/Steven J. McAuliffe  
Steven J. McAuliffe  
Chief Judge

cc: Donald Whitten, pro se  
Nancy J. Smith, Esq.  
Edward M. Kaplan, Esq.