

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Jack Higgins

v.

Case No. 10-cv-436-SM

Warden, New Hampshire State Prison

ORDER

I herewith approve the Reports and Recommendations of Magistrate Judge Landya B. McCafferty dated February 1, 2012, and June 6, 2012, no objections having been filed, for the reasons set forth therein. Petitioner's Complaint (document no. 1) is hereby dismissed, and his Motion to Amend Petition (document no. 6) is hereby denied.

" [O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal). Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. §

2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254;

First Cir. LR 22.0.

SO ORDERED.

June 29, 2012

/s/ Steven J. McAuliffe

Steven J. McAuliffe
United States District Judge

cc: Jack Higgins, pro se