

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

Charles Iryzarry

v.

Civil No. 11-cv-202-PB

Stephen Church, Superintendent,
Rockingham County Department of
Corrections, et al.

O R D E R

Before the court is Charles Iryzarry's complaint (doc. no. 1) and addendum to the complaint (doc. no. 3).¹ Iryzarry is an inmate at the Rockingham County Department of Corrections ("RCDC"), who alleges that his federal constitutional and state law rights have been violated by RCDC employees. The matter is before the court for preliminary review to determine whether the complaint states any claim upon which relief might be granted. See 28 U.S.C. § 1915A(a); United States District Court for the District of New Hampshire Local Rule 4.3(d)(2).

¹Iryzarry initially filed a complaint in this matter (doc. no. 1). Iryzarry later filed "discovery" exhibits which have been docketed as an addendum to the complaint (doc. no. 3). The court construes the complaint and addendum (doc. nos. 1 and 3), in the aggregate, to be the complaint in this matter for all purposes. Both the complaint and the addendum thereto were filed with attached documents. The documents will also be considered to be part of the complaint for all purposes. See Fed. R. Civ. P. 10(c) ("A copy of a written instrument that is an exhibit to a pleading is a part of the pleading for all purposes.").

In a report and recommendation issued simultaneously with this order, the court finds that Iryzarry has stated sufficient facts to state a claim for the denial of adequate mental health care at the RCDC after January 10, 2011. Iryzarry has failed, however, to name any defendant to the claim. Iryzarry will thus be given the opportunity to amend his complaint to name the defendant or defendants responsible for the denial of adequate mental health care at the RCDC after January 10, 2011. In his amended complaint, Iryzarry must state what each named defendant did or failed to do to cause Iryzarry's constitutional rights to be violated.

Conclusion

Within thirty days of the date of this order, Iryzarry must amend his complaint to provide the information described above. Failure to so amend his complaint will result in the court's recommendation that the complaint be dismissed.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: December 21, 2011

cc: Charles Iryzarry, pro se

LBM:jba