

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

Andrew F. Capoccia

v.

Civil No. 11-cv-345-PB

Warren Dowaliby

**O R D E R**

A Report and Recommendation (doc. no. 7) issued on November 14, 2011, recommends dismissal of this action without prejudice. That Report and Recommendation was sent to petitioner, Andrew Capoccia, at the address on file for him, but it was returned to the court as undeliverable.

The court has since learned that Capoccia is incarcerated at United States Penitentiary-Canaan. The clerk is directed to send a copy of the Report and Recommendation (doc. no. 7) and this Order to Capoccia at that facility.

Capoccia is granted leave to file an objection to the Report and Recommendation (doc. no. 7) within 14 days of the date of this Order. Failure to file objections to a magistrate judge's report and recommendation within the specified time waives the right to appeal the district court's order on the report and recommendation. See United States v. De Jesús-Viera,

655 F.3d 52, 57 (1st Cir. 2011), cert. denied, 132 S. Ct. 1045 (2012); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).

SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. McCafferty', written over a horizontal line.

Landya McCafferty  
United States Magistrate Judge

March 22, 2012

cc: Andrew F. Capoccia, pro se

LBM:nmd