

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRERobert V. Towle

v.

Civil No. 12-cv-299-PB

Timothy J. Vaughn, et alO R D E R

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated December 20, 2012. Section 1983 provides that "in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable."

As I explained in Puia v. Cross, 2012DNH135, this provision bars a section 1983 plaintiff from obtaining injunctive or declaratory relief against a state judicial officer under section 1983 in the circumstances presented in this case. Plaintiff does not otherwise take issue with the report and recommendation. Accordingly the report and recommendation is approved and the case is dismissed.

SO ORDERED.

/s/ Paul Barbadoro
Paul Barbadoro
United States District Judge

Date: January 14, 2013
cc: Robert V. Towle