

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIREJose Miguel Hilario

v.

Case No. 14-cv-342-SM

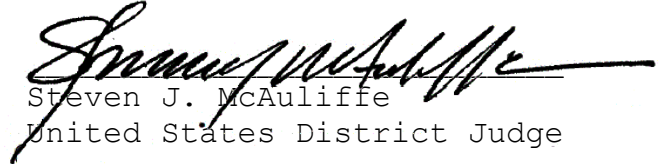
FCI Berlin, WardenO R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated December 10, 2015, for the reasons set forth therein. “[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).

Mr. Hilario's Petition for a Writ of Mandamus (document no. 1) is dismissed without prejudice to his ability to file a § 2255 motion in the District of Rhode Island. Petitioner's Motion to Request a Constitutional Jury (document no. 5) and

Motion for an Evidentiary Hearing (document no. 16) are both denied as moot.

SO ORDERED.

  
Steven J. McAuliffe  
United States District Judge

Date: January 6, 2015

cc: Jose Miguel Hilario, pro se