

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Ronald Bourdon

v.

Civil No. 15-cv-138-LM

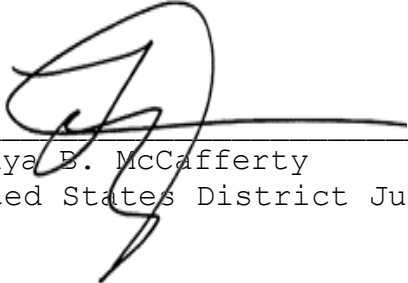
Northern NH Correctional Facility,
Warden

O R D E R

After due consideration of the objection filed, the court approves the Report and Recommendation (R&R) of Magistrate Judge Andrea K. Johnstone dated February 13, 2017 (document no. 35), for the reasons set forth therein. Mr. Bourdon's petition is a mixed petition, which contains both exhausted and unexhausted claims. The court grants Mr. Bourdon the right to file a motion to amend his § 2254 petition to forego (or drop) each unexhausted claim (see R&R doc. no. 35 ¶ 4) within 30 days of the date of this order as set forth in paragraph 5 of the February 13, 2017 R&R. If petitioner fails to file a motion to amend his petition within that time-frame, the petition will be dismissed without prejudice.

The pending cross motions for summary judgment (document nos. 25 and 31) are hereby taken under advisement.

SO ORDERED.



Landya B. McCafferty
United States District Judge

Date: June 12, 2017

cc: Ronald Bourdon, pro se
Elizabeth Woodcock, Esq.