

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Dwayne M. Valerio

v.

Case No. 15-cv-248-LM

N.H. Department of Corrections
Commissioner William Wrenn, et al.

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated October 23, 2017, (Doc. no. 53) and order the following:

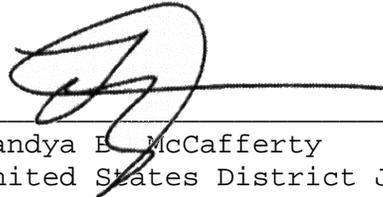
1. I grant in part and deny in part Valerio's motion to amend complaint (Doc. No. 49). The motion is granted to the extent Valerio seeks to assert a First Amendment claim against defendant CO FNU Marissa and CO FNU Sauerhaben. The motion to amend is otherwise denied;

2. All of the defendants named in the second amended complaint are dropped from this action, with the exception of CO FNU Marissa and CO FNU Sauerhaben;

3. The clerk's office is directed to docket Valerio's Proposed Second Amended Complaint (Doc. No. 49-3) as the Second Amended Complaint, as if filed on the date of this Order approving the October 2017 Report and Recommendation; and

4. The magistrate judge is to direct service of the Second Amended Complaint upon defendants Marissa and Sauerhaben.

“‘[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).



Landya E. McCafferty
United States District Judge

Date: November 29, 2017

cc: Dwayne M. Valerio, pro se
Seth Michael Zoracki, Esq.