

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Oliver Thomas

v.

Case No. 16-cv-12-SM


FCI Berlin, Warden, 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 June 21, 2017, 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).

Defendants' motion to dismiss (doc. No. 45) is hereby denied. With respect to Counts I and II, the motion to dismiss is denied without prejudice to defendants' ability to move for summary judgment on the PLRA exhaustion.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

Date: July 17, 2017

cc: Oliver Thomas, pro se
Terry L. Ollila, AUSA