

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Robert Roy Frene

v.

Civil No. 17-cv-305-JD

New Hampshire State Prison

O R D E R

Robert Roy Frene is a prisoner at the New Hampshire State Prison who brought an action against the prison, proceeding pro se and in forma pauperis. On preliminary review, the magistrate judge recommended that Frene's claims, challenging the conditions of his confinement as uncomfortable and unsanitary, his lack of access to the library and telephone, and the fact or duration of his sentence, be dismissed. When Frene did not file an objection to the report and recommendation within the time allowed, the court adopted it, and judgment was entered on March 28, 2018.

On April 9, 2018, Frene filed a motion for relief from judgment and for an extension of time to object to the report and recommendation. His motion was granted, and the order adopting the report and recommendation and the judgment were vacated. May 11, 2018, was set as the deadline for filing the objection to the report and recommendation. On May 14, Frene moved to extend the time, which was granted, with a deadline to

file the objection by June 15, 2018. Frene did not file an objection by June 15.

Frene filed a "Motion for Relief" on June 19, 2018. In the motion, Frene does not mention the report and recommendation or his claims raised in this case. Instead, he asserts an entirely new claim that his needs for medical and dental care have not been met by the prison and that he has "9 impacted teeth that need removing and have been in this state of pain for 14 months." Frene did not raise an issue about medical or dental care in his complaint in this case, which was filed on July 7, 2017.

As such, Frene has neither filed an objection to the report and recommendation nor filed an amended complaint pertaining to the claims in this case. Instead, he has filed an entirely new claim for relief, which must be docketed as a new case.

There being no objection, the court accepts the magistrate judge's report and recommendation to dismiss all claims in this case. 28 U.S.C. § 636(b)(1).

#### Conclusion

For the foregoing reasons, the report and recommendation to dismiss Frene's claims in this case (document no. 9) is accepted. The case is dismissed.

The motion for relief (document no. 12) shall be docketed as the complaint in a new case.

The clerk of court shall enter judgment accordingly and close the case.

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

June 25, 2018

cc: Robert Roy Frene, pro se