

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Albert Tito

v.

Case No. 18-cv-361-PB

Northern Correctional Facility, Warden

ORDER

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated October 26, 2018, and dismiss petitioner's § 2241 petition without prejudice to his ability to refile it as a prisoner civil rights claim. "'[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).

/s/ Paul Barbadoro
Paul Barbadoro
United States District Judge

Date: December 3, 2018

cc: Albert Tito, pro se