

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Juan Carlos Portela Noriega

v.

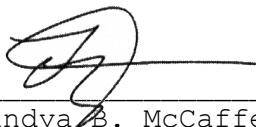
Case No. 23-cv-318-LM

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated October 31, 2023. For the reasons explained therein, the petition is dismissed as moot. Further, the respondent's motion to dismiss (Doc. No. 4) is denied as moot. "'[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).

The clerk shall enter judgment and close the case.



Landya B. McCafferty
Chief Judge

Date: November 13, 2023

cc: Juan Carlos Portela Noriega, pro se
Heather A. Cherniske, AUSA