

Pickens v. NH DOC

14-CV-028-SM 4/25/14

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Ivan Mosi Pickens

v.

Case No. 14-cv-28-SM  
Opinion No. 2014 DNH 084

William Wrenn, Commissioner of the  
NH Department of Corrections;  
Correctional Officer Oliver of the  
Northern Correctional Facility;  
Lieutenant J. Masse of the  
Northern Correctional Facility; and  
Employees John/Jane Does 1-10 of the  
Northern Correctional Facility

**O R D E R**

Plaintiff's complaint (doc. no. 1) is before the court for preliminary review pursuant to 28 U.S.C. § 1915A(a). Without prejudice to defendants' right to file dispositive motions, the court finds that plaintiff states cognizable claims over which the court has jurisdiction.

Accordingly, the court directs service of the complaint on defendants New Hampshire Department of Corrections Commissioner William Wrenn, Northern Correctional Facility ("NCF") Correctional Officer Oliver, and NCF Lieutenant J. Masse. The clerk's office is directed to serve electronic copies of this order and the complaint (doc. 1) on the New Hampshire Office of the Attorney General ("AG"), as provided in the Agreement on Acceptance of Service.

Within thirty days from receipt of these materials, the AG must submit an Acceptance of Service notice to the court specifying whether all of the defendants have authorized the AG to receive service on their behalf. When the AG files the Acceptance of Service, service will be deemed made on the last day of the thirty-day period for all defendants who accept AG representation.

If defendants do not authorize the AG to receive service on their behalf, or the AG declines to represent any or all of the defendants, the AG shall, within thirty days from receipt of the aforementioned materials, provide to the court the last known address of those defendants. In that event, the clerk's office is instructed to complete and issue a summons for each of those defendants, using the last known address provided, and forward the summonses, along with copies of this order and the complaint (doc. no. 1), to the United States Marshal for the District of New Hampshire, to complete service on those defendants in accordance with this order and Fed. R. Civ. P. 4(c)(3) and 4(e).

Defendants are instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A). Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials

to the defendants or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

Pickens may, within six (6) months of the date of this order, unless otherwise allowed, amend his complaint to identify the "John/Jane Doe" defendants. See Peñalbert-Rosa v. Fortuña-Burset, 631 F.3d 592, 596-97 (1st Cir. 2011).

**SO ORDERED.**

  
Steven J. McAuliffe  
United States District Judge

April 25, 2014

cc: Ivan Mosi Pickens, pro se