

Bowe v. Robinson

CV-97-326-JD 11/17/97

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

John Edward Bowe

v.

Civil No. 97-326-JD

Dennis Robinson

O R D E R

Pro se plaintiff John Edward Bowe has filed this 42 U.S.C. § 1983 action, in forma pauperis, against Dennis Robinson, the superintendent of the Carroll County Jail, in Ossipee, N.H. The case is before this court for preliminary review pursuant to United States District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2) and 28 U.S.C. § 1915A. For the reasons stated in the Report and Recommendation issued simultaneously herewith, I determine that plaintiff has stated a valid § 1983 claim against defendant in his personal capacity for exposing plaintiff to environmental tobacco smoke in violation of the Eighth Amendment prohibition on cruel and unusual punishment.

I, therefore, order that the complaint (document no. 1) be served on defendant. The Clerk's office is directed to forward to the defendant, by certified mail return receipt request, copies of this order, the Report and Recommendation issued simultaneously herewith, and the complaint (document no. 1). See LR 4.3(d)(2)(C).

Defendant is instructed to answer or otherwise plead within twenty days of service.

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendant by delivering or mailing the materials to him or his attorneys, pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.

James R. Muirhead
United States Magistrate Judge

Date: November 17, 1997

cc: John Edward Bowe, pro se