

Canty v. LaRhette

CV-97-262-M 03/03/98

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

John Canty

v.

Civil No. 97-262-M

Janis M. LaRhette, et al.

**O R D E R**

Plaintiff John Canty filed a civil rights action, pursuant to 42 U.S.C.A. § 1983, alleging violation of his federal constitutional rights in a state court eviction proceeding. Plaintiff argues that New Hampshire's statutory summary eviction process and its appellate procedures are unconstitutional. Defendants have moved to dismiss plaintiff's claims.

The Magistrate Judge issued a report and recommendation in which he concluded that plaintiff's civil rights claims brought pursuant to 42 U.S.C.A. § 1983 should be dismissed. Although plaintiff requested and was granted an extension of time to object to the report and recommendation, he has not filed a response within the additional time allowed. After reviewing the pleadings, the record, and the Magistrate Judge's report and recommendation, dismissal of plaintiff's suit is approved on the recommended grounds that this court lacks subject matter jurisdiction under the Rooker-Feldman doctrine. For that reason, the court does not consider the alternative bases for dismissal that are discussed in the report and recommendation and raised in defendants' motions to dismiss.

Accordingly, for the reasons set forth in section three of the report and recommendation dated February 2, 1998, defendants' motions to dismiss (document nos. 12 and 29) are granted. The clerk of court is instructed to enter judgment in favor of the defendants on all claims, and close the case.

**SO ORDERED.**

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Steven J. McAuliffe  
United States District Judge

March 3, 1998

cc: John Canty  
Daniel J. Mullen, Esq.  
James B. Kazan, Esq.