

Other Orders/Judgments

1:24-cv-00333-SM-AJ Brandano
v. Secretary of State, NH, State of

MAG

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 11/13/2024 at 1:25 PM EST and filed on 11/13/2024

Case Name: Brandano v. Secretary of State, NH, State of

Case Number: 1:24-cv-00333-SM-AJ

Filer:

Document Number: No document attached

Docket Text:

ENDORSED REPORT AND RECOMMENDATION re: [11] Expedited Motion for Emergency Preliminary Injunction. *The undersigned Magistrate Judge recommends that the District Judge DENY Petitioner's Motion for Emergency Preliminary Injunction (Doc. No. 11), for the same reasons that Petitioner's first Motion for Preliminary Injunction (Doc. No. 5) was denied. See October 28, 2024 Endorsed Order (citing defendant's opposition memoranda, incorporating its memorandum in support of its motion to dismiss). Specifically, the Petitioner has failed to establish a likelihood of success on the merits because: 1) a federal court does not have the authority to grant mandamus relief against a State official. See 28 U.S.C. § 1361 (The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.); 2) 52 U.S.C. § 20701 does not create a private right of action; and 3) Petitioner lacks standing under Article III of the Federal Constitution. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen-day period may be extended upon motion. Only those issues raised in the objection(s) to this Report and Recommendation are subject to review in the district court. See Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010). Any issues not preserved by such objection(s) are precluded on appeal. See id. Failure to file specific written objections to the Report and Recommendation within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016). Follow up on Objections to R&R on 11/27/2024. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). So Ordered by US Magistrate Judge Andrea K Johnstone.(lw)*

1:24-cv-00333-SM-AJ Notice has been electronically mailed to:

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1:24-cv-00333-SM-AJ Notice, to the extent appropriate, must be delivered conventionally to:

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