

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RICHARD WAYNE BINGAMAN,)
)
 Plaintiff)
)
 v.) Civil No. 98-0147-B
)
 RONALD L. WILLEY,)
)
 Defendant)

RECOMMENDED DECISION

Plaintiff has filed a pro se Complaint, together with an Application to Proceed In Forma Pauperis. I recommend the Application to Proceed In Forma Pauperis be GRANTED, however, I recommend the Complaint be DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B) for Plaintiff's failure to state a claim upon which relief may be granted in this Court.

Plaintiff seeks to invoke the provisions of 18 U.S.C. §§ 401 and 402, empowering this Court to enforce its own orders, for the purpose of enforcing a civil judgment he obtained against Defendant in the state court. However, sections 401 and 402 do not authorize this Court to enforce state court judgments, and there is no other basis upon which this Court could have jurisdiction over the matter. *See*, 28 U.S.C. §§ 1330-1368.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1988) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

Eugene W. Beaulieu
United States Magistrate Judge

Dated on July 15, 1998.