

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

DAVID CLAUS STELLING,            )  
  )  
                  Plaintiff                )  
  )  
v.                                        )     Civil No. 99-0212-B  
  )  
LL. BEAN, INC., et al.,            )  
  )  
                  Defendants             )

***RECOMMENDED DECISION***

Plaintiff filed this pro se Complaint on September 14, 1999. The next day he was ordered “to either pay the required filing fee of \$150.00 or file a properly completed application for leave to proceed *in forma pauperis* (which includes the certification of the inmate’s prison account by an authorized officer of the institution and a ledger showing the activity in the account for the past six months) no later than October 15, 1999,” failing which a recommendation would issue to dismiss the action. Plaintiff has now filed a photocopy of a ledger, indicating that this is all the business office at the Kennebec County Jail would provide. However, he has not filed the form Application to Proceed In Forma Pauperis. For Plaintiff’s failure to

comply with the Court's September 15 Order, Plaintiff's Complaint is properly dismissed.<sup>1</sup>

### 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.

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Eugene W. Beaulieu  
United States Magistrate Judge

Dated on: October 21, 1999

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<sup>1</sup> In addition, the Complaint fails to state a claim upon which relief may be granted. Plaintiff alleges that his dog and certain of his personal property were improperly released to certain private individuals. He seeks return of the property and damages. However, Plaintiff has no claim under the due process clause unless and until the state fails to offer him an adequate process. Plaintiff has not alleged that the State of Maine fails to offer an adequate post-deprivation remedy. *Cronin v. Town of Amesbury*, 81 F.3d 257, 260 (1<sup>st</sup> Cir. 1996).