

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RICHARD M. BINGAMAN,)
)
 Plaintiff)
)
 v.) Civil No. 99-0048-B
)
 FLEET FINANCIAL CORPORATION,)
)
 Defendant)

RECOMMENDED DECISION

Plaintiff has filed a Complaint together with an Application to Proceed In Forma Pauperis. The Application to Proceed In Forma Pauperis is hereby GRANTED, and Plaintiff may proceed without prepayment of costs or fees or the giving of security therefore. However, the Court concludes that the Complaint is properly DISMISSED for lack of subject matter jurisdiction.

Plaintiff’s Complaint alleges generally that his bank, Defendant Fleet Financial Corporation, took possession of certain funds from his account following their investigation of a disputed withdrawal. He purports to state claims as a result of this action arising under Maine law, and 15 U.S.C. sections 1692e and 1692f. Both of the federal laws to which Plaintiff refers govern the conduct of “debt collectors.” “Debt collectors” for purposes of these statutes are defined as persons who engage in debt

collection on behalf of third parties as a regular business. 15 U.S.C. § 1692a(6). Defendant is simply not a “debt collector” under that definition.

Although we read pro se Complaints liberally, Plaintiff’s Complaint lacks sufficient clarity for the Court to look further for a source of jurisdiction. Accordingly, I recommend this matter be DISMISSED for lack of subject matter jurisdiction.

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 March 3, 2000.