

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

EDWIN W. HATFIELD,)	
)	
Plaintiff)	
)	
v.)	Civil No. 98-0389-P
)	
MAINE DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants)	

RECOMMENDED DECISION

Inasmuch as Plaintiff's Amended Complaint reveals that he has not availed himself of the grievance procedure provided within the Maine Department of Corrections, I hereby recommend Plaintiff's Complaint be DISMISSED. 42 U.S.C. § 1997e(a) ("No action shall be brought . . . under section 1983 of this title . . . until such administrative remedies as are available are exhausted."); *see, eg., Jorss v. Vanknocker*, 1998 WL 549463 (N.D. Cal. Aug. 24, 1998) (not reaching the question whether the exhaustion requirement is jurisdictional in light of the mandatory nature of the statutory language).

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.