

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ROBERT CHESTNUT,)
)
 Plaintiff)
)
 v.)
)
 JAMES CLEMONS, Superintendent,)
 Maine Correctional Center,)
)
 Defendant)

Docket No. 99-313-P-C

**RECOMMENDED DECISION ON PLAINTIFF’S MOTION
TO PROCEED IN FORMA PAUPERIS**

The plaintiff is a prisoner housed at the Maine Correctional Center in South Windham, Maine. He has filed an action pursuant to 42 U.S.C. § 1983, seeking redress for alleged deprivations of certain liberty and property interests. He seeks leave to proceed *in forma pauperis*. Inasmuch as the plaintiff does not allege “imminent danger of serious physical injury,” and he has not paid the filing fee for this action in full, I hereby recommend that the complaint be **DISMISSED** for the reason that the plaintiff has had at least three prior such actions dismissed as frivolous or for failure to state a claim upon which relief may be granted within the meaning of 28 U.S.C. § 1915(g).¹ This dismissal should be entered without prejudice to the plaintiff’s ability to bring the action in a paid complaint. *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999).

NOTICE

A party may file objections to those specified portions of a magistrate judge’s report or

¹ Docket Numbers 85-397-B, 90-210-P, and 91-264-P-C.

proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum, within ten (10) days after 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.

Dated this 19th day of November, 1999.

*David M. Cohen
United States*