

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RICHARD BINGAMAN,)
)
 Plaintiff)
)
v.) Civil No. 99-0071-B
)
GE CAPITAL ASSURANCE,)
)
 Defendant)

ORDER AND RECOMMENDED DECISION

Plaintiff has filed a pro se Complaint and seeks leave to proceed in forma pauperis. The Application to Proceed In Forma Pauperis is hereby GRANTED, and the Clerk is directed to file the Complaint without the prepayment of fees or the necessity of giving security therefor pursuant to 28 U.S.C. section 1915(a)(1).

The Court has reviewed the pro se Complaint, however, and has determined that the matter should be dismissed pursuant to section

1915(e)(2), for the reason that Plaintiff has failed to state a claim upon which relief may be granted.

Plaintiff's Complaint appears to allege that his insurance contract with Defendant contains a provision that is contrary to one required by Maine law. 24-A M.R.S.A. § 2712. He seeks damages in the total amount of the coverage provided by the policy, plus half again as much for reasons the Court does not understand. He does not allege, however, that he has been harmed by the failure of Defendant to comply with the Maine statute.

Plaintiff also references a federal statute making it a crime for two or more persons to conspire to deprive another of his civil rights. 18 U.S.C. § 241. Even if there were a private right of action under the criminal statute, however, there are no allegations of a conspiracy within the body of the Complaint, and Plaintiff has not identified the civil right he feels has been violated.

Conclusion

For the foregoing reasons, I hereby recommend Plaintiff's Complaint be DISMISSED pursuant to 28 U.S.C. section 1915(e)(2).

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.