

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MANUEL RAUL REYO PENA MONTERO,)
)
 Plaintiff,)
)
 v.) Civil No. 9-362-B-W
)
 CHIEF COMMANDER OF THE UNITED)
 STATES, et al.,)
)
 Defendant)

RECOMMENDED DECISION

Petitioner has filed a document which he has entitled a petition for writ of habeas corpus. He appears to be a federal prisoner at the United States Penitentiary in Waymart, Pennsylvania. Although Montero has not filed a separate motion to proceed in forma pauperis, he has attached what he labels a “writ of poverty” which is a copy of a prisoner account balance sheet that shows that as of May 10, 2009, he held a balance of seventy cents. I assume that the proper paperwork would show that he qualifies for IFP status.

Nevertheless, Montero’s “habeas petition” must be summarily dismissed from the docket. He wants to use this vehicle to challenge the authority of the President of the United States, claiming that the 44th President of the United States was not properly elected by the Electoral College and a majority of the popular vote. There is no legal basis for this motion and this court has no jurisdiction to entertain it. Montero’s petition should, in my opinion, be summarily dismissed.

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) 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 without 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.

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge

August 14, 2009