

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

|                             |   |                          |
|-----------------------------|---|--------------------------|
| WAI CHAN,                   | ) |                          |
|                             | ) |                          |
| <b>Plaintiff,</b>           | ) |                          |
|                             | ) |                          |
| <b>v.</b>                   | ) | <b>1:20-cv-00394-JDL</b> |
|                             | ) |                          |
| MAINE STATE PRISON, et al., | ) |                          |
|                             | ) |                          |
| <b>Defendants.</b>          | ) |                          |

**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE  
MAGISTRATE JUDGE**

Wai Chan brings this action against the Maine State Prison and Maine Department of Corrections (ECF No. 1). After the Court granted Chan’s motion for leave to proceed *in forma pauperis* (ECF Nos. 3, 4), United States Magistrate Judge John C. Nivison conducted a preliminary review of the complaint pursuant to 28 § U.S.C.A. 1915(e)(2)(B) (West 2020). The Magistrate Judge filed his Recommended Decision with the Court on November 6, 2020, pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2020) and Fed. R. Civ. P. 72(b), recommending that the complaint be dismissed without prejudice because this Court lacks subject matter jurisdiction over the matter (ECF No. 5). The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge provided notice that a party’s failure to object would waive the right to *de novo* review and appeal.

I have reviewed and considered the Recommended Decision, together with the entire record, and have made a *de novo* determination of all matters adjudicated by the Magistrate Judge. I concur with the recommendations of the Magistrate Judge

for the reasons set forth in his Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge (ECF No. 5) is hereby **ACCEPTED** and the complaint (ECF No. 1) is **DISMISSED**.

**SO ORDERED.**

**Dated this 7th day of December, 2020**

**/s/ JON D. LEVY**  
**CHIEF U.S. DISTRICT JUDGE**