

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

JACOB MICHAEL SHOEMAKER,            )  
  )  
  Petitioner                    )  
  )  
v.    ) Civil No. 09-74-B-W  
  )  
MAINE, STATE OF,                        )  
  )  
  Defendant                    )

**RECOMMENDED DECISION**

Jacob Shoemaker filed what he calls a Petition for Writ of Habeas Corpus and neither paid the \$5.00 filing fee nor filed an application to proceed in forma pauperis. I directed the Clerk to forward a form application to proceed in forma pauperis to Shoemaker and ordered him to file this application or pay the filing fee of \$5.00, no later than March 27, 2009, failing which, I cautioned, I would issue a recommendation that the matter be dismissed for failure to complete filing requirements. Shoemaker has not complied with this order. I recommend that petition be dismissed for want of prosecution. I also note that the substance of Shoemaker's petition is facially frivolous and the petition would be subject to summary dismissal even if Shoemaker had complied with the February 27, 2009, order.

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 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.

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

March 30, 2009.