

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

RAJPAUL JAGAT :  
 :  
 v. : C.A. No. 08-379ML  
 :  
 UNITED STATES OF AMERICA :

**REPORT AND RECOMMENDATION**

Lincoln D. Almond, United States Magistrate Judge

In this matter, Petitioner, Rajpaul Jagat (“Jagat”) filed a Motion on October 10, 2008 seeking leave to proceed *in forma pauperis*. (Document No. 2). This matter has been referred to me for preliminary review, findings and recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B) and LR Cv 72. The Court has determined that no hearing is necessary. After reviewing the documents submitted, I recommend that the Motion be DENIED.

In his Fee Waiver Request, Petitioner declares under penalty of perjury that he has \$250.00 in cash and \$250.00 in a checking or savings account as of August 13, 2008. Given the balance in his account, Petitioner is able to pay the \$5.00 filing fee set forth in 28 U.S.C. §1914(a). Accordingly, Petitioner has sufficient funds to proceed with his case without *in forma pauperis* status.

**Conclusion**

For the foregoing reasons, I recommend that the Petitioner’s Motion (Document No. 2) be DENIED without prejudice to renewal of the Motion in the future if there is any change in Petitioner’s financial circumstances. Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within ten (10) days of its receipt. See Fed.

R. Civ. P. 72(b); LR Cv 72. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1<sup>st</sup> Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1<sup>st</sup> Cir. 1980).

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
October 16, 2008