

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MANETIRONY CLERVRAIN,)
)
)
 Plaintiff,)
)
 v.) C.A. No. 20-535 WES
)
 DANIEL J. MCKEE, in his)
 official capacity as Governor)
 of the State of Rhode Island,¹)
)
 Defendant.)

ORDER

On January 15, 2021, Magistrate Judge Patricia A. Sullivan issued a Report and Recommendation ("R.&R."), ECF No. 3, which recommended that Plaintiff's Complaint, ECF No. 1, be dismissed for failure to state a claim and as frivolous and that Plaintiff's Motion for Leave to Proceed In Forma Pauperis, ECF No. 2, be denied as moot. Specifically, Judge Sullivan determined that Plaintiff had failed to state a claim because he had not drawn any connection between his assertions against the various federal agencies causing Plaintiff to be detained and the Governor of Rhode Island. R.&R. 4. Judge Sullivan recommended that the complaint be dismissed as frivolous because Plaintiff has "randomly sued other

¹ Daniel J. McKee is now the Governor of Rhode Island. Pursuant to Fed. R. Civ. P. 25(d), Governor Daniel J. McKee has been substituted for Governor Gina M. Raimondo as Defendant.

state officials [in other cases] with no conceivable basis for doing so[,]” leading to dismissals. Id. at 4-5 (citing Clervrain v. Herbert, Case No. 2:20-CV-880-JNP, 2020 WL 7714735, at *1 (D. Utah Dec. 29, 2020); Clervrain v. Marin, Case No. 20-CV-925 JLS (RBB), 2020 WL 5408581, at *1-2 (S.D. Cal. Sept. 9, 2020)). Plaintiff did not timely file an objection to the R.&R. Well after the deadline to file, Plaintiff filed a Motion to Obtain an ECF Login and Password, ECF No. 5, and a Motion for Change of Address and Reconsideration, ECF No. 7. The failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court’s decision. See United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980). After reviewing the relevant papers, the Court ACCEPTS the R.&R. and ADOPTS the recommendations and reasoning set forth therein.

Accordingly, Plaintiff’s Complaint, ECF No. 1, is DISMISSED for failure to state a claim and as frivolous, Plaintiff’s Motion for Leave to Proceed In Forma Pauperis, ECF No. 2, is DENIED as moot, Plaintiff’s Motion to Obtain an ECF Login and Password, ECF

No. 5, is DENIED as moot, and Plaintiff's Motion for Change of Address and Reconsideration, ECF No. 7, is DENIED as moot.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESMITH". The signature is written in a cursive, somewhat stylized font.

William E. Smith
District Judge
Date: April 19, 2021