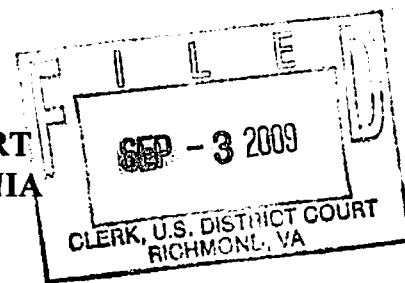


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DANIEL VESLEY,)
)
 Plaintiff,)
)
 v.)
)
 DARNLEY R. HODGE, Sr., *et al.*,)
)
 Defendants.)

Civil Action No. 3:07CV176-HEH


MEMORANDUM OPINION
(Dismissing Action for Failure to Prosecute)

Plaintiff, a Virginia prisoner proceeding *pro se*, filed this civil action. On November 20, 2008, Defendants filed a motion for summary judgment. On December 11, 2008, the Court received Plaintiff's motion for an extension of time to respond to the motion for summary judgment. On April 3, 2009, the Court granted Plaintiff's motion for an extension of time and Ordered plaintiff to file his response within eleven (11) days of the date of entry thereof. On May 11, 2009, the Court received Plaintiff's second motion for an extension of time to file a response to the motion for summary judgment. On July 10, 2009, the Court granted Plaintiff's second motion for an extension of time, again Ordering Plaintiff to respond within eleven (11) days of the date of entry thereof. The Court warned Plaintiff that "NO FURTHER EXTENSIONS WILL BE GRANTED." (July 10, 2009 Order 1.)

On July 16, 2009, the July 10, 2009 Memorandum Order was returned to the Court by the United States Postal Service marked "RETURN TO SENDER" and "No longer

here.” The Court has not received any response from Plaintiff to date. Plaintiff’s failure to notify the Court of his current address¹ and failure to respond to the Court’s July 10, 2009 Memorandum Order indicates a lack of interest in prosecuting the present action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

 _____ /s/ Henry E. Hudson United States District Judge
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Date: SEPT 3, 2009
Richmond, Virginia

¹ The Court’s April 19, 2007 Order provides that “Plaintiff must immediately advise the Court of his new address in the event that he is transferred, released, or otherwise relocated while the action is pending. **FAILURE TO DO SO MAY RESULT IN DISMISSAL OF THE ACTION.**” (April 19, 2007 Order ¶ 8.)