

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

**BRENT RAY BELL,**

Petitioner,

v.

Civil Action No. **3:08CV780**

**VIRGINIA BEACH CIRCUIT COURT, et al.,**

Respondents.

**MEMORANDUM OPINION**

By Memorandum Order entered on December 11, 2008, the Court conditionally docketed Petitioner's petition for a writ of mandamus. At that time, the Court directed Petitioner to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

*See* 28 U.S.C. § 1915(a)(1). The Court provided Petitioner with an *in forma pauperis* affidavit form for this purpose.

Additionally, the Court directed Petitioner to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Petitioner that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Petitioner has not complied with the orders of this Court. Petitioner failed to return a completed *in forma pauperis* affidavit form and a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing

fee for the instant complaint. *See* 28 U.S.C. § 1914(a). Such actions demonstrate a wilful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

Date: JAN 23 2009  
Richmond, Virginia

<i>/s/</i> <hr/> <b>Richard L. Williams</b> <b>United States District Judge</b>
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