

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

JERMAINE A. MACK,

Plaintiff,

v.

Civil Action No. 3:09CV002

STEPHANIE UNKNOWN, *et al.*,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on February 3, 2009, the Court conditionally docketed Plaintiff's 42 U.S.C. § 1983 action. At that time, the Court directed Plaintiff 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 Plaintiff 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.

Plaintiff has not complied with the order of this Court. Plaintiff failed to return 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.

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| <p>/s/<br/>James R. Spencer<br/>Chief United States District Judge</p> |
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Date: 5-7-09  
Richmond, Virginia