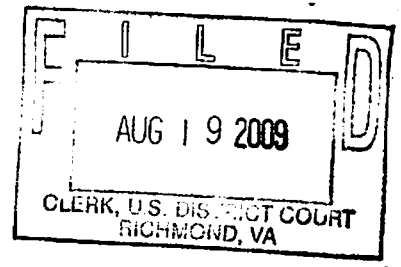


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



DERWIN L. ISAAC,

Plaintiff,

v.

Civil Action No. 3:09CV225

J.C. WILLETT,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered April 28, 2009, the Court conditionally docketed the present action. Thereafter, Plaintiff was released from incarceration. Accordingly, the Court required an update of Plaintiff's financial information to assess whether he was entitled to proceed *in forma pauperis*. Therefore, by Memorandum Order entered on June 2, 2009, the Court directed Plaintiff, within eleven (11) days of the date of entry thereof, to complete and return to the Court a financial affidavit in support of his request to proceed *in forma pauperis*. Plaintiff's civil action. The Court warned Plaintiff that the failure to comply with the above requirement would result in the dismissal of the action. *See* Fed. R. Civ. P. 41(b).

Plaintiff has not complied with the order of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit 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**. An appropriate Order shall issue.

Date: **AUG 19 2009**
Richmond, Virginia

/s/
Richard L. Williams
United States District Judge