Kelly v. Warden, FCC Coleman - USP II et al Doc. 9

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

FILED
AUG - 6 2009
CLERK, U.S. DISTRICT COURT
RICHMOND, VA

LEROY JOSEPH KELLY,

Petitioner,

v. CIVIL ACTION NO. 3:09CV243

WARDEN, FCC COLEMAN - USP II, et al.,

Respondents.

MEMORANDUM OPINION

Petitioner, proceeding pro se, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order on May 6, 2009, the Court directed Petitioner to complete and return, within fifteen days of the date of entry thereof, an affidavit in support of his request to proceed in forma pauperis. More than fifteen (15) days have passed and Petitioner has not returned the required in forma pauperis affidavit.

Petitioner has failed to pay the assessed fee or adequately explain any special circumstances warranting excuse from payment. Accordingly, the petition will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Petitioner.

An appropriate Order shall issue.

/s/ REP
Robert E. Payne
Senior United States District Judge

Dated: August 5, 2009
Richmond, Virginia

Dockets.Justia.com