

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

MARICHEL PIERCE CLAYBURN,

Petitioner,

v.

Civil Action No. **3:18CV555**

HAROLD W. CLARKE,

Respondent.

MEMORANDUM OPINION

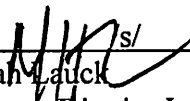
Petitioner, a Virginia state prisoner proceeding *pro se*, submitted a 28 U.S.C. § 2254 petition. By Memorandum Order entered on September 21, 2018, the Court directed Petitioner, within eleven (11) days of the date of entry thereof, to pay the \$5.00 filing fee or explain any special circumstances that would warrant excusing payment of the filing fee. More than eleven (11) days elapsed after the entry of the September 21, 2018 Memorandum Order and Petitioner had not responded. By Memorandum Opinion and Order entered on October 25, 2018, the Court dismissed the action without prejudice. (ECF Nos. 9, 10.)

On November 19, 2018, the Court received a Motion for Reconsideration from Petitioner. *See* Fed. R. Civ. P. 59(e). (ECF No. 13.) In his Motion for Reconsideration, Petitioner explains that a friend of his, Latika M. Watts, submitted a \$5.00 money order on his behalf in response to the September 21, 2018 Memorandum Order. (*Id.* at 1.) The Court had received the \$5.00 money order from Ms. Watts on October 5, 2018. However, the money order was not accompanied by any explanation as to what case it was to be applied. Because it appears that Petitioner complied with the Court's September 21, 2018 Memorandum Order, the October 25,

2018 Memorandum Opinion and Order (ECF Nos. 9, 10) will be VACATED. The Court will CONTINUE TO PROCESS the action.

An appropriate Order shall accompany this Memorandum Opinion.

Date: DEC 17 2018
Richmond, Virginia



M. Hannah Lauck
United States District Judge