



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

HUBERTO ESPINDOLA-SOTO, )
Plaintiff, )
v. )
TRACY JOHNS, et al., )
Defendants. )

Civil Action No. 3:18CV577-HEH

MEMORANDUM OPINION (Dismissing Civil Rights Action Without Prejudice)

By Memorandum Order entered on September 10, 2018, the Court conditionally docketed Plaintiff's action. The Court directed Plaintiff to return his in forma pauperis affidavit and 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 orders of this Court. Plaintiff failed to return the in forma pauperis affidavit 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 action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

An appropriate Order will accompany this Memorandum Opinion.

[Signature] /s/ HENRY E. HUDSON SENIOR UNITED STATES DISTRICT JUDGE

Date: Oct 30, 2018 Richmond, Virginia