

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

CALVIN NEWBY,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 3:18CV726-HEH
	)	
UNKNOWN,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**  
**(Dismissing Action Without Prejudice)**

By Memorandum Order entered on November 7, 2018, the Court directed the Clerk to mail a standardized form for filing a 42 U.S.C. § 1983 complaint to Plaintiff and instructed Plaintiff to complete and return the form if he wished to file a complaint at this time. Subsequently, the Court reviewed the docket and noted that it was unclear whether the Clerk followed the Court’s order and mailed Plaintiff a § 1983 form. By Memorandum Order entered on November 29, 2018, the Court again directed the Clerk to send Plaintiff a copy of the standardized form for filing a 42 U.S.C. § 1983 complaint. The Court again instructed Plaintiff that if he wished to file a complaint at this time, he should complete and return the form to the Court within fourteen (14) days of the date of entry thereof. The Court explained that if Plaintiff failed to take any action within that time, the Court would dismiss the action without prejudice. *See* Fed. R. Civ. P. 41(b).

More than fourteen (14) days have elapsed and Plaintiff has not completed and returned the § 1983 form. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.



/s/

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HENRY E. HUDSON  
SENIOR UNITED STATES DISTRICT JUDGE

Date: Dec 18, 2018  
Richmond, Virginia