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

CLEVIN PITTMAN,

Plaintiff,

v. Civil Action No. **3:19CV402**

O.M. YORK,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on June 11, 2019, the Court conditionally docketed Plaintiff's action. In the Memorandum Order, the Court explained as follows:

> Plaintiff, a Virginia inmate proceeding *pro se*, originally submitted a letter requesting the Court to send him the form for filing a 42 U.S.C. § 1983 complaint, and the Court opened a civil action for the letter. (ECF No. 1)[1]; *Pittman v. Unknown*, No. 3:19CV308 (E.D. Va. filed Apr. 24, 2019). On May 8, 2019, the Court received a Complaint from Plaintiff naming D.M. York and M. Sivels. That case was opened as *Pittman v. York*, No. 3:19CV336 (E.D. Va. May 8, 2019.) On May 13, 2019, the Court conditionally docketed this Complaint and directed Plaintiff to complete and return certain forms. *Pittman*, No. 3:19CV336 (E.D. Va. May 13, 2019). Plaintiff completed and returned the forms and also sent the Court a new Complaint that now named D.M. York and the Chesapeake Police Department and dropped M. Sivels as a defendant. *Pittman*, No. 3:19CV336 (E.D. Va. filed May 24, 2019).
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> By Memorandum Order entered on May 10, 2019, the Court sent Plaintiff one § 1983 form in response to his original request. *Pittman v. Unknown*, No. 3:19CV308 (E.D. Va. May 10, 2019). Plaintiff returned a Complaint to the Court naming the Chesapeake Police Department and O.M. York, which the Court believes is likely the same person as he previously identified as D.M. York. *Pittman*, No. 3:19CV308 (E.D. Va. filed May 20, 2019.) By Memorandum Order entered on May 30, 2019, the Court conditionally docketed this second Complaint and directed Plaintiff to complete and return certain forms. *Pittman*, No. 3:19CV308 (E.D. Va. May 30, 2019). Plaintiff completed and returned the forms for this action also.

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[1] Plaintiff requested two § 1983 forms "so he can put [presumed defendants] on notice that they are going to be sued." (ECF No. 1, at 1.)

On May 29, 2019, the Court received a third Complaint from Plaintiff that names only O.M. York. The Clerk opened this as a third civil action because the Complaint had no identifying case number written on it. *Pittman v. York*, No. 3:19CV402 (E.D. Va. May 30, 2019).

Because all three Complaints name the Chesapeake Police Department and/or O.M. York and appear to be similar, it is unclear whether Plaintiff intends to bring one, two, or three separate actions. Therefore, the Court will provide Plaintiff an opportunity to voluntarily dismiss any of the three actions. Accordingly, it is ORDERED that, within eleven (11) days of the date of entry hereof, Plaintiff shall notify the Court which of the three actions he would like to pursue. If Plaintiff does not respond within that time, the Court will dismiss this action (No. 3:19CV402) and will assume that Plaintiff wishes to proceed with cases No. 3:19CV308 and No. 3:19CV336.

(ECF No. 2, at 1–2.)

More than eleven (11) days have elapsed and Plaintiff has not responded to the June 11, 2019 Memorandum Order. Plaintiff's 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 shall accompany this Memorandum Opinion.

/s/
M. Hannah Lauck
United States District Judge

Date: JUL - 1 2019
Richmond, Virginia