

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

JOSHUA ALEXANDER,

Plaintiff,

v.

Civil Action No. **3:21CV92**

JOSEPH BARON, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, has submitted this civil action. He also has applied to proceed *in forma pauperis*. Accordingly, by Memorandum Order entered on March 4, 2021, the Court directed Petitioner to complete and return certain forms if he wished to proceed *in forma pauperis*, or to pay the full \$402.00 filing fee. On March 22, 2021, the Court received an *in forma pauperis* affidavit from Petitioner with a note that states: "I no longer want to proceed *in forma pauperis*." (ECF No. 4, at 1 (emphasis omitted).) However, Plaintiff completed and returned both the *in forma pauperis* affidavit and the consent to collection of fees form. By Memorandum Order entered on April 13, 2021, the Court explained that if Plaintiff no longer desired to apply to proceed *in forma pauperis* then he must pay the \$402.00 filing fee. The Court ordered that, within eleven (11) days of the date of entry thereof, Plaintiff must submit the full \$350.00 filing fee and the \$52.00 administrative fee. The Court explained that, in the alternative, if Plaintiff instead chose to proceed *in forma pauperis*, he must notify the Court of his renewed intent to do so within eleven (11) days. Finally, the Court explained that if Plaintiff failed to comply with either of the above directives, the Court would dismiss the action without prejudice. *See* Fed. R. Civ. P. 41(b).

More than eleven (11) days have elapsed and Plaintiff has not responded to the April 13, 2021 Memorandum Order. Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: *May 18, 2021*
Richmond, Virginia



M. Hannah Lauck
United States District Judge