

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

GEORGE E. RAINEY,)	
)	
Plaintiff,)	
v.)	Civil Action No. 3:22CV83-HEH
)	
ATTORNEY VINCENT VENTURA, II,)	
)	
Defendant.)	

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

By Memorandum Order entered on March 10, 2022, 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 order of this Court. Plaintiff failed to return a signed consent to collection of fees form. Instead, on March 21, 2022, Plaintiff returned the consent form unexecuted and submitted a letter stating that he would pay for the action after he was released. 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.

On March 24, 2022, Plaintiff submitted a letter suggesting that he has been overcharged filing fees. No money has been taken from his prison account for the present action. Accordingly, to the extent Plaintiff requests a refund, his request (ECF No. 6) will be denied.

An appropriate Order shall issue.



/s/

Henry E. Hudson
Senior United States District Judge

Date: April 25, 2022
Richmond, Virginia