

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

MATTHEW ALLAN WIMER,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:23-cv-702-HEH
)	
UNKNOWN,)	
)	
Respondent.)	

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Petitioner Matthew Allan Wimer (“Petitioner”), a Virginia inmate proceeding *pro se*, has submitted a document that appears to challenge his state conviction. (ECF No. 1.)¹ Given the content of this document, the Court found it appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App’x 144, 145 (4th Cir. 2008). Accordingly, on November 3, 2023, the Court directed Petitioner, within twenty (20) days of the date of entry thereof, to complete and return the standardized form for filing a § 2254 petition as required by Eastern District of Virginia Local Civil Rule 83.4(A). (Mem. Order at 2.)

¹ Petitioner addressed the envelope to the United States District Court for the Western District of Virginia, but he used the zip code for this Court. (ECF No. 1–1, at 1.) In a November 3, 2023 Memorandum Order, the Court explained that, to the extent that this submission was intended for the Western District, Plaintiff need not take any action in the case in this Court and the Court would terminate the action. (Mem. Order at 1 n.1, ECF No. 2.)

More than twenty (20) days have elapsed, and Petitioner has not completed and returned the standardized form or otherwise responded to the Court's Memorandum Order. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.



Henry E. Hudson
Senior United States District Judge

Date: Dec. 7, 2023
Richmond, Virginia