McKreith v. Erskine Doc. 4

> IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA **ROANOKE DIVISION**

WILBERT MCKREITH,

Defendant(s),

Civil Action No. 7:19-cv-00435

Plaintiff.

OPINION

v.

By: James P. Jones

United States District Judge MR. R. ERSKINE,

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to 42 Bivens v. Six

Unknown Names Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). By order entered

June 11, 2019, the court directed plaintiff to submit within 20 days from the date of the order a

statement of assets, an inmate account form, and a certified copy of plaintiff's trust fund account

statement for the six-month period immediately preceding the filing of the complaint, obtained

from the appropriate prison official of each prison at which plaintiff is or was confined during

that six-month period. Plaintiff was advised that a failure to comply would result in dismissal of

this action without prejudice.

More than 20 days have elapsed, and plaintiff has failed to comply with the described

conditions. Accordingly, the court dismisses the action without prejudice and strikes the case

from the active docket of the court. Plaintiff may refile the claims in a separate action once

plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying

Order to plaintiff.

ENTER: This 11th day of July, 2019.

/s/James P. Jones

United States District Judge