

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

**BENJAMIN CARTER,
Plaintiff,**

Civil Action No. 7:20-cv-00713

v.

**JOSEPH ELY, et al,
Defendant(s),**

MEMORANDUM OPINION

**By: Michael F. Urbanski
Chief United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. §1983. By order entered November 30, 2020, the court directed plaintiff to submit within twenty 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 wrote to the court several times stating that he did not want to proceed in forma pauperis but instead wanted to pay the full filing fee. He claims that he has sent a money order, but the Clerk's Office has not received any payment of the filing fee and has written plaintiff several times explaining as much. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than twenty 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 31st day of December, 2020.



Michael F. Urbanski
Chief U.S. District Judge
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Chief United States District Judge