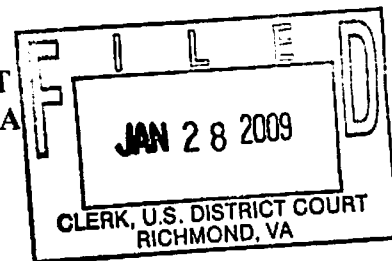


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



RICKEY FRIDAY,

Petitioner,

v.

Civil Action No. 3:08cv707

PATRICIA R. STANSBERRY,

Respondent.

MEMORANDUM

Petitioner, a Virginia state prisoner proceeding *pro se*, submitted this petition for a writ of habeas corpus and it was conditionally filed on November 18, 2008. By Memorandum Order entered on December 22, 2008, the Court notified Petitioner that he must submit the full \$5.00 filing fee within eleven (11) days of the date of entry thereof or explain any special circumstances that would justify excusing any portion of the payment. More than eleven (11) days have elapsed since the entry of the December 22, 2008 Memorandum Order and Petitioner has failed to pay the assessed fee or explain any circumstances that excuse his payment of the same. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Dated: JAN 28 2009
Richmond, Virginia

/s/
Richard L. Williams
United States District Judge