

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

ORLANDO R. HEATH, JR.,

Plaintiff,

v.

Civil Action No. **3:09CV224**

S. SPRINGER,

Defendant.

MEMORANDUM OPINION

On April 15, 2009, the Court received Plaintiff's complaint. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on May 26, 2009, the Court denied leave to proceed *in forma pauperis* and ordered Plaintiff to submit the full filing fee within eleven (11) days of the date of entry thereof. On June 3, 2009, Plaintiff submitted notice that his address had changed, and the Clerk mailed the order to Plaintiff's new address. More than eleven days have passed and Plaintiff has not filed a response. Plaintiff's lack of response to the Court's May 26, 2009 Memorandum Order indicates a lack of interest in prosecuting the present action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be **DISMISSED WITHOUT PREJUDICE**.

An appropriate Order shall issue.

Date: JUN 30 2009
Richmond, Virginia

/s/

Richard L. Williams
United States District Judge