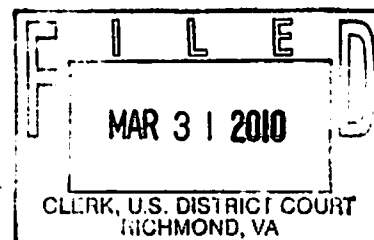


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



ANTHONY L. HICKS,

Plaintiff,

v.

Civil Action No. **3:09CV798**

JOSHUA R. MEYER, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia prisoner proceeding *pro se*, filed this action. He has also applied to proceed *in forma pauperis*. On December 22, 2009, the Court ordered Plaintiff to submit a completed *in forma pauperis* affidavit and consent to collection of fees form. On January 25, 2010, the Court received Plaintiff's consent to collection of fees form. Plaintiff completed the form, but his consent was equivocal. Plaintiff wrote that "I only earn \$140.00 a month and that's barely enough to take care of myself but I am willing to pay something but 20% is too much monthly so could some other percentage payment be made if I have to pay the filing fee for this civil action suit?" (Consent to Collection of Fees Form.)

The Court cannot authorize a monthly deduction of less than twenty percent of Plaintiff's previous month's income. 28 U.S.C. § 1915(b)(2). Accordingly, by Memorandum Order entered on February 16, 2010, the Court directed Plaintiff to complete and submit, within fifteen (15) days of the date of entry thereof, a second consent to collection of fees form consenting to deduction from Plaintiff's prison account of twenty percent of Plaintiff's previous month's income. More than fifteen days have elapsed, and Plaintiff has not submitted a second consent to collection of fees form. Plaintiff's failure to comply with the Court's order shows a lack of

interest in prosecuting this action. *See* Fed. R. Civ. P. 41(b). This action will be DISMISSED
WITHOUT PREJUDICE.

It is so ORDERED.

Date: 3-31-10
Richmond, Virginia

<i>/s/</i> _____ James R. Spencer Chief United States District Judge
