

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

GUY ALBERT GUYTON, III,

Petitioner,

v.

Civil Action No. **3:11CV183**

COMMONWEALTH OF VIRGINIA,

Respondent.

MEMORANDUM OPINION

Petitioner submitted this action which he styled a Motion for a New Trial. In that motion, Petitioner complains that his rights were violated during the course of his state criminal prosecution. By Memorandum Order entered on April 13, 2011, the Court informed Petitioner that, if he wished to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254, he had to complete and return the forms for filing such a petition. Petitioner did not respond to that Memorandum Order.

Federal Rule of Civil Procedure 8(a)(1) requires that a pleading must contain “a short and plain statement of the grounds for the court’s jurisdiction.” Fed. R. Civ. P. 8(a)(1). Petitioner’s Motion for a New Trial does not comply with this requirement. Accordingly, by Memorandum Order entered on June 15, 2011, the Court directed Petitioner, within fifteen (15) days of the date of entry thereof, to provide “a short and plain statement of the grounds for the court’s jurisdiction.” *Id.* The Court warned Petitioner that the failure to submit such a statement will result in the dismissal of the action. *See* Fed. R. Civ. P. 41(b). Additionally, the Court informed Petitioner that, within fifteen (15) days of the date of entry thereof, he must submit the \$350.00 filing fee or submit a statement indicating, *inter alia*, that he could not pay the filing fee.

More than fifteen (15) days have elapsed since the entry of the June 15, 2011

Memorandum Order and Petitioner has not responded. Accordingly, the present action will be
DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

/s/ JAG
John A. Gibney, Jr.
United States District Judge

Date: 7/13/11
Richmond, Virginia