

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

KEVIN O. FAUNTLEROY,

Plaintiff,

v.

Civil Action No. **3:11CV609**

DEPARTMENT OF CORRECTIONS, et al.,

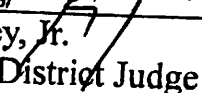
Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on October 5, 2011, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with Court's order to return a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant complaint. See 28 U.S.C. § 1914(a). Plaintiff's actions demonstrate a wilful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

<p>/s/  John A. Gibney, Jr. United States District Judge</p>

Date: (2) 7 / 11
Richmond, Virginia