

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


LEONARD CARTER, JR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:12CV660-HEH
	)	
COMMONWEALTH OF VIRGINIA,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION  
(Dismissing Civil Action Without Prejudice)**

By Memorandum Order entered on October 4, 2012, the Court denied Plaintiff's request to proceed *in forma pauperis* and directed Carter to either submit the \$350.00 filing fee or complete and return a new *in forma pauperis* affidavit within fifteen (15) days of the date of entry thereof. Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form and as a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Carter.

It is so ORDERED.


/s/  


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 HENRY E. HUDSON  
 UNITED STATES DISTRICT JUDGE

Date: May 16, 2013  
Richmond, Virginia