

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

ROBERT EARL TIPPENS, JR.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:12CV688-HEH
)	
HAROLD CLARKE, <i>et al.</i> ,)	
)	
Defendants.)	

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

On November 5, 2012, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on February 19, 2013, the Court directed Plaintiff to pay an initial partial filing fee of \$36.03 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directive warrants dismissal of the action. Accordingly, the action will be dismissed without prejudice.

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

It is so ORDERED.

Date: May 16, 2013
Richmond, Virginia

HEH /s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE