

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

**WILMER JEROME KNIGHT,**

Plaintiff,

v.

Civil Action No. **3:13CV198**

**DONNIE CARTER, et al.,**

Defendants.

**MEMORANDUM OPINION**

Plaintiff, a Virginia inmate, submitted this action and requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See, e.g., Knight v. Vanover*, No. 7:12CV00337, 2012 WL 5194343, at \*2 (W.D. Va. Oct. 19, 2012); *Knight v. Woody*, No. 3:10CV351, 2012 WL 92526, at \*5–6 (E.D. Va. Jan. 11, 2012); *Knight v. Johnson*, No. 3:10CV648, 2011 WL 4101664, at \*8 (E.D. Va. Sept. 14, 2011). Plaintiff's current complaint does not suggest that Plaintiff is in imminent danger of serious physical injury. By Memorandum Order entered on May 7, 2013, the Court denied Plaintiff's request to proceed *in forma pauperis* and directed Knight to submit the \$350.00 filing fee within fifteen (15) days of the date of entry thereof. Plaintiff has not complied with the order of this Court. Plaintiff failed to pay 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 Order to Plaintiff.

It is so ORDERED.

Date: 10/4/13  
Richmond, Virginia

*/s/ J.A.G.*  
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John A. Gibney, Jr.  
United States District Judge