

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

TERRENCE L. HAWKINS,

Plaintiff,

v.

Civil Action No. 3:13CV322

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on August 2, 2013, the Court conditionally docketed the action. At that time, the Court directed Terrence L. Hawkins to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Hawkins with an *in forma pauperis* affidavit form for this purpose. Additionally, the Court directed Hawkins to affirm his intention to pay the full filing fee by signing and returning the consent to the collection of fees form. The Court warned Hawkins that a failure to comply with the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Hawkins has not complied with the orders of this Court. Hawkins failed to return the *in forma pauperis* affidavit or the 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 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.

An appropriate Order shall issue.

Date: 10-11-13
Richmond, Virginia

<p><u> /s/ </u> James R. Spencer United States District Judge</p>
