

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

MARK LYNN,

Plaintiff,

v.

Civil Action No. **3:13CV517**

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on August 5, 2013, the Court conditionally docketed the action. At that time, the Court directed Mark Lynn 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 Lynn with an in forma pauperis affidavit form for this purpose.

Additionally, the Court directed Lynn 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 Lynn 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. At that time, the Court directed Lynn 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 Lynn 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.

Lynn has not complied with the order of this Court. Lynn failed to return 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.

The Clerk is directed to send a copy of the Memorandum Opinion to Lynn.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Date: *October 4, 2017*
Richmond, Virginia.