

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

JOHN DAVID MCBRIDE,

Plaintiff,

v.

Civil Action No. 3:13CV855

COMMONWEALTH OF VIRGINIA,

Defendant.

MEMORANDUM OPINION

Plaintiff, a former Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this action, which failed to comply with Federal Rule of Civil Procedure 8(a). That Rule provides:

- (a) Claim for Relief.** A pleading that states a claim for relief must contain:
- (1)** a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
 - (2)** a short and plain statement of the claim showing that the pleader is entitled to relief; and
 - (3)** a demand for the relief sought, which may include relief in the alternative or different types of relief.

Fed. R. Civ. P. 8(a). Plaintiff's initial pleading in this matter is titled "Motion for order of Restraint" ("Motion for Restraint," ECF No. 1). In that pleading, Plaintiff complained that the Commonwealth of Virginia "has no legal grounds or valid cause to burden" his freedom. (Mot. Restraint 1.) Plaintiff failed to provide "a short and plain statement of the grounds for the court's jurisdiction" and failed to provide "a short and plain statement of [his] claim." Fed. R. Civ. P. 8(a)(1) & (2). Accordingly, by Memorandum Order entered on January 13, 2015, the Court directed Plaintiff, within fifteen (15) days of the date of entry thereof, to file an initial pleading that complies with Federal Rule of Civil Procedure 8(a). The Court warned Plaintiff that failure to comply with the above directive would result in dismissal of the action. *See* Fed. R. Civ. P. 41(b).

On January 27, 2015, and again on February 13, 2015, the Court received letters from Plaintiff wherein he continued to complain about the circumstances and the fact of his incarceration. Plaintiff has made no effort to comply with the January 13, 2015 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. The Clerk will be DIRECTED to supply Plaintiff with the forms for filing an action under 42 U.S.C. § 1983 or a petition under 28 U.S.C. § 2254.

An appropriate order will accompany this Memorandum Opinion.

Date: 3-24-15
Richmond, Virginia

<i>/s/</i> _____ James R. Spencer Senior U. S. District Judge
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