FILED
22 2014
CLERK, U.S. DISTRICT COURT
RICHMOND, VA

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

RALPH M. SMITH,

Petitioner,

v. Civil Action No. **3:14CV347**

EDDIE PEARSON,

Respondent.

MEMORANDUM OPINION

Petitioner, proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order entered on June 30, 2014, the Court directed Petitioner to complete and return, within fifteen days of the date of entry thereof, an affidavit in support of his request to proceed *in forma pauperis* or pay the $5.00 filing fee. The Court warned Petitioner that the failure to comply with the above requirement would result in the dismissal of the action. *See* Fed. R. Civ. P. 41(b). More than fifteen (15) days have passed since the entry of the June 30, 2014 Memorandum Order and Petitioner has not returned the required *in forma pauperis* affidavit or paid the filing fee. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

/s/
James R. Spencer
Senior U. S. District Judge

Date: 8-22-14
Richmond, Virginia