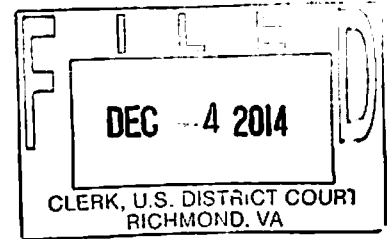


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JEFFREY TERRY SNOW,)
)
 Petitioner,)
)
 v.) Civil Action No. 3:14CV614-HEH
)
 COMMONWEALTH OF VIRGINIA,)
)
 Respondent.)

MEMORANDUM OPINION
(Denying 28 U.S.C § 2254 Petition Without Prejudice)


Petitioner, a Virginia state prisoner proceeding *pro se*, submitted a 28 U.S.C. § 2254 petition. By Memorandum Order (ECF No. 5) entered on November 13, 2014, the Court directed Petitioner, within eleven (11) days of the date of entry thereof, to pay the \$5.00 filing fee or explain any special circumstances that would warrant excusing payment of the filing fee. The Court instructed Petitioner that this action would be dismissed if Petitioner failed to pay the filing fee or indicate special circumstances warranting excusal of payment. More than eleven (11) days have elapsed since the entry of the November 13, 2014 Memorandum Order and Petitioner has not responded. Accordingly, this action will be dismissed without prejudice.

An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A). A certificate of appealability will not issue unless a prisoner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This requirement is satisfied only

when “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). No law or evidence suggests that Petitioner is entitled to further consideration in this matter. The Court will deny Petitioner a certificate of appealability.

The Clerk is directed to send a copy of this Memorandum Opinion to Petitioner.

It is so ordered.

 /s/ _____
Henry E. Hudson
United States District Judge

Date: Dec 4, 2014
Richmond, Virginia