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

WBENGDA ESHTU LEGESSE,

Petitioner,

V.

Civil Action No. 3:15CV654

HAROLD W. CLARKE,

Respondent.

MEMORANDUM OPINION

Petitioner, a Virginia state prisoner proceeding pro se, submitted a petition for a writ of

habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order entered on November 13,

2015, the Court directed Petitioner to complete and return, within fifteen (15) 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. More than fifteen (15) days have passed and Petitioner has not returned the required

in forma pauperis affidavit.

Petitioner has failed to pay the assessed fee or adequately explain any special

circumstances warranting excuse from payment. Accordingly, the petition 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.

An appropriate Order shall issue.

Date: 12 23 15 Richmond, Virginia John A. Gibney, Jp.

United States District Judge