

**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**

By Memorandum Opinion and Order entered on December 23, 2015, the Court dismissed Petitioner's action because he failed 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. However, on December 22, 2015, the Court received a letter from Petitioner, wherein he indicated that he paid the \$5.00 filing fee for the action before the action was transferred to this Court from the Western District of Virginia. At that time, Petitioner also submitted a second \$5.00 filing fee. Here, the Court erred by dismissing Petitioner's habeas corpus petition when Petitioner had already paid the \$5.00 filing fee to the Western District of Virginia. *See* Fed. R. Civ. P. 59(e).

Accordingly, the December 23, 2015 Memorandum Opinion and Order will be VACATED. The Court will continue to process the action.

An appropriate Order shall issue.

Date: 12/30/15  
Richmond, Virginia

/s/   
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John A. Gibney, Jr.  
United States District Judge