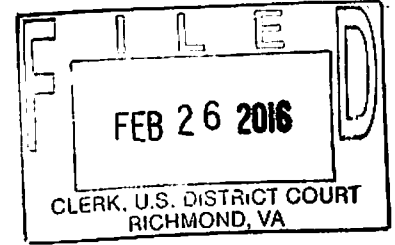


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



ELLIJAH SPELLMAN,

Plaintiff,

v.

Civil Action No. 3:15CV675

SERGEANT FOWLER, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on December 22, 2015, the Court conditionally docketed this action. At that time, the Court directed Elijah Spellman to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Spellman with an in forma pauperis affidavit form for this purpose.

Additionally, the Court directed Spellman to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Spellman that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Spellman has not complied with the order of this Court. Spellman failed to return the in forma pauperis affidavit and the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Spellman.

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/s/ *REP*  
Robert E. Payne  
Senior United States District Judge

Date: *July 25, 2016*  
Richmond, Virginia