

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

JOHN LEWIS DILLAHUNT, JR.,

Petitioner,

v.

Civil Action No. **3:15CV728**

ERIC WILSON,

Respondent.

MEMORANDUM OPINION

By Memorandum Order entered on December 9, 2015, the Court conditionally docketed Petitioner's 28 U.S.C. § 2241 petition. At that time, the Court warned Petitioner that he must keep the Court informed as to his current address in the event he relocates. In his present petition, Petitioner argues that he is innocent of his felon in possession of a firearm conviction in light of *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011). By Memorandum Order entered on September 13, 2016, the Court directed Petitioner within eleven (11) days of the date of entry thereof to show good cause why the present petition should not be dismissed as moot because it appeared that Petitioner already had received the relief he requests in the instant § 2241 Petition and is entitled to no further relief.

On September 28, 2016, the United States Postal Service returned the September 13, 2016 Memorandum Order to the Court marked "RETURN TO SENDER," "NOT AT THIS ADDRESS," "UNABLE TO FORWARD," and "FORWARDING EXPIRED." Since that date, Petitioner has not contacted the Court to provide a current address. Petitioner's failure to contact the Court and provide a current address indicates his lack of interest in prosecuting this action. See Fed. R. Civ. P. 41(b). Accordingly, the action will be **DISMISSED WITHOUT PREJUDICE**.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 10/7/16
Richmond, Virginia

Is/

John A. Gibney, Jr.
United States District Judge