

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

**EARL BESS,**

Petitioner,

v.

Civil Action No. 3:16CV412

**JEFFREY CRAWFORD, et al.,**

Respondents.

**MEMORANDUM OPINION**

By Memorandum Order entered on August 24, 2016, the Court conditionally docketed Petitioner's petition under 28 U.S.C. § 2241. At that time, the Court warned Petitioner that he must keep the Court informed as to his current address if he was released or relocated. On October 21, 2016, Respondents filed a Response to the petition. By Memorandum Order entered on March 21, 2017, the Court advised Petitioner, in accordance with *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), that he is entitled to file a reply opposing the response of Respondents that includes counter-affidavits, statements, exhibits, or other legal or factual material that supports his position in the case.<sup>1</sup> The Court warned that any such reply should be filed within twenty (20) days of the date of entry thereof.

On March 29, 2017, the United States Postal Service returned the March 21, 2017 Memorandum Order to the Court marked, "RETURN TO SENDER," and "Released." Petitioner has not contacted the Court to provide a current address. Petitioner's failure to contact the Court

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<sup>1</sup> An affidavit is a sworn statement of facts made on personal knowledge, and affidavits may be submitted by Petitioner or any other witnesses. There are two alternative ways to submit an affidavit to the Court, one of which must be followed. One way is for the person making the affidavit to sign the affidavit and swear to the truth of its contents before a notary public. The other way, which does not require a notary public, is for the person making the affidavit to sign the affidavit and certify that he or she signs under penalty of perjury and understands that he or she may be prosecuted if the facts he or she sets forth are untrue.

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: **APR 12 2017**  
Richmond, Virginia

  
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M. Hannah Lauck  
United States District Judge