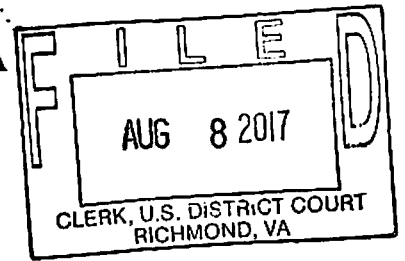


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



ANDRE SMOOT SHADEED,)

Plaintiff,)

v.)

T. GREEN, *et al.*,)

Defendants.)

Civil Action No. 3:17CV178-HEH

**MEMORANDUM OPINION
(Dismissing Action Without Prejudice)**

On March 22, 2017, the Court conditionally docketed Plaintiff's action.¹ Plaintiff requested leave to proceed *in forma pauperis*. At that time, the Court warned Plaintiff that he must keep the Court informed as to his current address if he was released or relocated. By Memorandum Order entered on May 22, 2017, the Court directed Plaintiff to pay an initial partial filing fee of \$6.06 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff did not timely respond.

On June 6, 2017, the United States Postal Service returned a May 8, 2017 Memorandum Opinion and Order to the Court marked, "RETURN TO SENDER" and "NOT DELIVERABLE AS ADDRESSED." Since that date, Plaintiff has not contacted the Court to provide a current address or indicate that he wishes to continue to pursue the action. However, the institution marked the envelope with a new address that indicated


¹ This action was filed initially by multiple Plaintiffs that the Court has already dismissed as parties to the action.

that Plaintiff was likely no longer in custody. Thus, the Clerk attempted to provide Plaintiff a final opportunity to continue to litigate the action. Accordingly, by Memorandum Order entered on July 13, 2017, the Court directed Plaintiff to complete and return an *in forma pauperis* affidavit for non-prisoners within eleven (11) days of the date of entry thereof. The Court directed the Clerk to mail the July 13, 2017 Memorandum Order and the affidavit to the new address for Plaintiff provided by the institution. The Court warned Plaintiff that the failure to return the affidavit or to complete the affidavit in its entirety would result in summary dismissal of the action.

More than eleven (11) days have elapsed and Plaintiff has not completed and returned the affidavit or otherwise responded to the Court. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

Date: Aug 8, 2017
Richmond, Virginia

 /s/

HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE