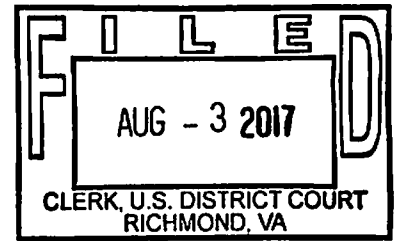


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ISAIAH HOPKINS,

Plaintiff,

v.

Civil Action No. 3:17CV246

KEN STOLLE, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, has submitted this civil action. He also has applied to proceed *in forma pauperis*. By Memorandum Order entered on April 11, 2017, the Court conditionally docketed the action. The Court directed Plaintiff to complete and return an *in forma pauperis* affidavit and a consent to collection of fees form within thirty (30) days of the date of entry thereof. Plaintiff returned a completed *in forma pauperis* affidavit, but returned a consent to collection of fees form that was blank and lacked a signature of Plaintiff. By Memorandum Order entered on May 2, 2017, the Court directed Plaintiff to return a signed consent to collection of fees form to the Court. On May 4, 2017, the Court received Plaintiff's Notice of Change of Address. By Memorandum Order entered on May 12, 2017, the Court again attempted to have Plaintiff sign and return a consent to collection of fees form. On May 31, 2017, the United States Postal Service returned the May 12, 2017 Memorandum Order because Plaintiff had moved without updating his address with the Court. However, the institution marked the envelope with a note that Plaintiff was now incarcerated in St. Brides Correctional Center.

Accordingly, by Memorandum Order entered on June 19, 2017, the Clerk again mailed Plaintiff a consent to collection of fees form to St. Brides Correctional Center. The Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning the form. The Court warned Plaintiff that a failure to comply with the above directive within eleven (11) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the Court's order to return a 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). Plaintiff's conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: AUG - 3 2017
Richmond, Virginia


M. Hannah Lauder
United States District Judge