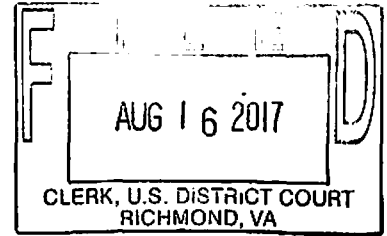


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



JAMES C. SUMMERS, )

Plaintiff, )

v. )

HAROLD W. CLARKE, *et al.*, )

Defendants. )


Civil Action No. 3:17CV500-HEH

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

On July 12, 2017, Plaintiff filed an ambiguous civil action. By Memorandum Order entered on August 2, 2017, the Court directed Plaintiff to complete and return either the form for filing a civil rights action challenging his conditions of confinement under 42 U.S.C. § 1983 or a petition for writ of habeas corpus under 28 U.S.C. § 2254 within fifteen (15) days of the date of entry thereof. On August 14, 2017, United States Postal Service returned the August 2, 2017 Memorandum Order to the Court marked, “RETURN TO SENDER,” and “NO LONGER AT THIS INSTITUTION.”<sup>1</sup> Since that date, Plaintiff has not contacted the Court to provide a current address. Plaintiff’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.

<sup>1</sup> The mail is also marked “Fairfax” with another indistinguishable word or abbreviation beginning and ending with the letter “P.” This marking is not sufficient to identify a new address for Plaintiff.

An appropriate Order shall accompany this Memorandum Opinion.

 /s/ \_\_\_\_\_  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE

Date: Aug 15, 2017  
Richmond, Virginia