

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



PHILLIP A. OWENS,

Petitioner,

v.

Civil Action No. 3:17CV706

UNITED STATES, *et al.*,

Respondents.

MEMORANDUM OPINION

Petitioner, a federal inmate proceeding *pro se*, submitted a 28 U.S.C. § 2241 Petition and sought leave to proceed without payment of the statutory filing fee. *See* 28 U.S.C. § 1914(a) (requiring five dollar (\$5.00) filing fee for all habeas petitions); 28 U.S.C. § 1915 (permitting a court to approve *in forma pauperis* status for litigant). By Memorandum Order entered on November 17, 2017, the Court directed Petitioner, within fifteen (15) days of the date of entry thereof, to complete and return the appropriate *in forma pauperis* affidavit or pay the \$5.00 filing fee. (ECF No. 2, at 1.) The Court also advised Petitioner that he may request an extension of time to pay the filing fee or explain any special circumstances that would justify excusing all or any part of the fee. (*Id.* at 2.)

On December 11, 2017, the Court received from Petitioner a Motion for Extension of Time to Reply to the Filing Fee Due to Indigent Status. (ECF No. 4.) In his Motion, Petitioner requested that the Court grant him an additional thirty (30) days to pay the filing fee because he would be in transit. (*Id.* at 1.) By Memorandum Order entered on January 11, 2018, the Court granted Petitioner an additional thirty (30) days to complete and return the *in forma pauperis* affidavit or pay the \$5.00 filing fee. The Court warned Petitioner that if he failed to comply with the above directives, the action would be dismissed.

More than thirty (30) days have elapsed since the entry of the January 11, 2018 Memorandum Order and Petitioner has not paid the filing fee or otherwise responded. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: MAR 27 2018
Richmond, Virginia



M. Hannah Lauck
United States District Judge