

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

TREVARIS RAQUAN WHITLOW,

Plaintiff,

v.

Civil Action No. **3:18CV28**

RONALDO D. MYERS,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on January 25, 2018, the Court conditionally docketed the action and directed Plaintiff to complete and return certain forms. That same day the Clerk docketed a notice of change of address for Plaintiff. Because it was unclear if the Court's Memorandum Order and forms were mailed to Plaintiff at the correct address, by Memorandum Order entered on February 13, 2018, the Court again informed Plaintiff that the action was conditionally docketed and at that time, the Court directed Plaintiff to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Plaintiff with an *in forma pauperis* affidavit form for this purpose.

Additionally, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form and 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). Such 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: 3/29/18
Richmond, Virginia

/s/ JAG

John A. Gibney, Jr.
United States District Judge