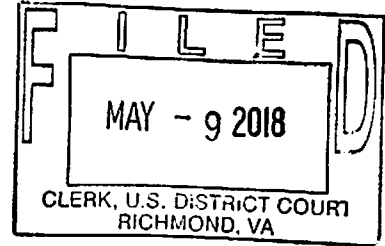


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



DARNELL MASON-EL, )

Petitioner, )

v. )

TED HALL, )

Respondent. )

Civil Action No. 3:18CV101-HEH

**MEMORANDUM OPINION**  
**(Dismissing 28 U.S.C § 2254 Petition Without Prejudice)**

Petitioner, a Virginia state prisoner proceeding *pro se*, submitted a 28 U.S.C. § 2254 petition. By Memorandum Order entered on February 27, 2018, the Court directed Petitioner, within fifteen (15) days of the date of entry thereof, to complete and return an *in forma pauperis* affidavit, or pay the \$5.00 filing fee. More than fifteen (15) days have elapsed since the entry of the February 27, 2018 Memorandum Order and Petitioner has not responded. Accordingly, the action will be dismissed without prejudice.


An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A). A certificate of appealability will not issue unless a prisoner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were

'adequate to deserve encouragement to proceed further.'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). No law or evidence suggests that Petitioner is entitled to further consideration in this matter. The Court will deny a certificate of appealability.

An appropriate order will accompany this Memorandum Opinion.

It is so ordered.

Date: May 9 2018  
Richmond, Virginia

 /s/  
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HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE