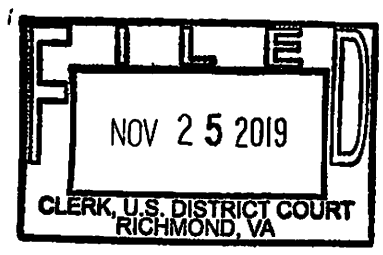


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



TONY EDUARDO FRAZIER,

Petitioner,  
v.

Civil Action No. 3:18CV296

J. RAY ORMOND,

Respondent.

MEMORANDUM OPINION

Petitioner, a former federal inmate proceeding *pro se*, filed a petition under 28 U.S.C. § 2241. In his § 2241 Petition, Petitioner asserts that his sentence as a career offender is illegal because he lacks valid predicate felony offenses to enhance his sentence. (ECF No. 1, at 3.) Since the filing of his § 2241 Petition, Petitioner has been released from custody. Accordingly, by Memorandum Order entered on October 10, 2019, the Court directed Petitioner, within eleven (11) days of the date of entry thereof, to show cause why the present action should not be dismissed as moot. *See Spencer v. Kemna*, 523 U.S. 1, 10 (1998); *Wallace v. Jarvis*, 423 F. App'x 328, 328 (4th Cir. 2011) (citations omitted). The Court explained that the failure to file a proper response would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*. The Court also noted that it appeared that Petitioner was no longer interested in litigating his § 2241 Petition because he has not contacted the Court since his release.

More than eleven (11) days have elapsed since the entry of the October 10, 2019 Memorandum Order and Petitioner has not responded. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 25 Nov. 2019  
Richmond, Virginia

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John A. Gibney, Jr.  
United States District Judge