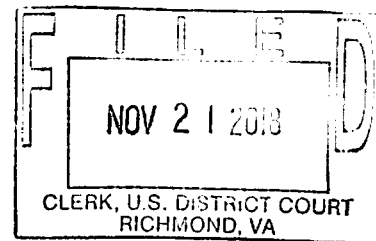


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



HUBERTO ESPINDOLA-SOTO,)

Plaintiff,)

v.)

Civil Action No. 3:18CV577-HEH

TRACY JOHNS, *et al.*,)

Defendants.)

**MEMORANDUM OPINION
(Denying Motion to Reconsider)**

By Memorandum Order entered on September 10, 2018, the Court conditionally docketed Plaintiff's action. The Court directed Plaintiff to return his *in forma pauperis* affidavit and affirm his intention to pay the full filing fee by signing and returning a consent to the 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 did not comply with the orders of this Court. Plaintiff failed to return the *in forma pauperis* affidavit and a consent to collection of the fees form. Accordingly, by Memorandum Opinion and Order entered on October 30, 2018, the Court dismissed the action without prejudice.

On November 14, 2018, the Court received a Motion for Reconsideration from Plaintiff. *See* Fed. R. Civ. P. 59(e). Plaintiff asks the Court to reinstate the action because he responded to the September 10, 2018 Memorandum Order and sent documents to the Court. The Court acknowledges that, on October 1, 2018, Plaintiff filed an *in forma pauperis* affidavit and other documents with the Court. What Plaintiff did not do, however, was comply with the September 10, 2018 Memorandum Order.

Plaintiff did not return the consent to the collection of filing fees form sent to him by the Court. Accordingly, Plaintiff's Motion for Reconsideration (ECF No. 13) will be denied.

An appropriate Order will accompany this Memorandum Opinion.



/s/

HENRY E. HUDSON
SENIOR UNITED STATES DISTRICT JUDGE

Date: Nov. 21, 2018
Richmond, Virginia