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

MARION YARBROUGH,

Petitioner,

v.

Civil Action No. 3:18CV881

MARK J. BOLSTER,

Respondent.

## MEMORANDUM OPINION

Marion Yarbrough, proceeding <u>prose</u>, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By Memorandum Order entered on January 9, 2019, the Court directed Yarbrough to complete and return, within fifteen (15) days of the date of entry thereof, an affidavit in support of his request to proceed <u>in formatory pauperis</u> or pay the \$5.00 filing fee. The Court warned Yarbrough that failure to comply with the above directives would result in dismissal of the action. <u>See Fed. R. Civ. P. 41(b)</u>.

On January 18, 2019, Yarbrough responded that he had requested prison officials to withdraw the filing fee and send it to the Court, but there may be a delay in the Court receiving the payment. (ECF No. 3.) Accordingly, by Memorandum Order entered on March 20, 2019, the Court granted Yarbrough an extension of fifteen (15) days from the date of entry thereof to submit the \$5.00 filing fee or submit proof that payment was imminent.

More than fifteen (15) days have passed and Yarbrough has not paid the \$5.00 fee or submitted proof that payment is imminent. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Yarbrough.

It is so ORDERED.

/s/ REV Robert E. Payne

Robert E. Payne
Senior United States District Judge