

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

BRIAN JOSEPH BLAKE,

Plaintiff,

v.

Civil Action No. 3:19CV168

LT. COL. PHILLIP GRIMES, et al.,

Defendants.

**MEMORANDUM OPINION**

By Memorandum Order entered on March 29, 2019, the Court conditionally docketed this action. At that time, the Court directed Brian Joseph Blake 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 Blake with an in forma pauperis affidavit form for this purpose.

Additionally, the Court directed Blake to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Blake 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.

Blake has not complied with the order of this Court. Blake failed to return the in forma pauperis affidavit and the 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.

The Clerk is directed to send a copy of the Memorandum Opinion to Blake.

/s/ REY  
Robert E. Payne  
Senior United States District Judge

Date: May 13, 2019  
Richmond, Virginia