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

DARNELL ALONZO KEYES,

Plaintiff,

v.

Civil Action No. 3:19CV564

RICHARD SWANN, et al.,

Defendants.

MEMORANDUM OPINION

On August 23, 2019, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on September 25, 2019, the Court directed Plaintiff to pay an initial partial filing fee of \$28.50 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff responded. However, he failed to proffer an adequate reason why he should be permitted to proceed with this action without prepayment. Accordingly, by Memorandum Order entered on October 24, 2019, the Court again directed Plaintiff to pay an initial partial filing fee of \$28.50 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. More than eleven (11) days have elapsed and Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

M. Hannah Lauck

United States District Judge

M. Hannah Lauck United States District Judge

NOV 1 4 2019

Richmond, Virginia

Date: