

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

JIMMIE HANK DAVIS, JR.,

Plaintiff,

v.

Civil Action No. 3:19CV859

BRENT WRIGHT, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on December 12, 2019, the Court conditionally docketed the action. At that time, the Court directed Jimmie Hank Davis, Jr. to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Davis that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Davis has not complied with the order of this Court. Davis failed to return 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 Davis.

/s/ REP

Robert E. Payne
Senior United States District Judge

Date: *January 22, 2020*
Richmond, Virginia