

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

**JEREMY GERALD,**

Plaintiff,

v.

Civil Action No. **3:20CV802**

**VIRGINIA TREASURY DEPARTMENT, et al.,**

Defendants.

**MEMORANDUM OPINION**

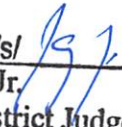
By Memorandum Order entered on October 30, 2020, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action. On December 7, 2020, the Court received a blank consent to collection of fees form from Plaintiff. Plaintiff attached his own "conditional" consent to collection of fees in which he attempts to set his own terms and questions the forms sent to Plaintiff by the Clerk. (ECF No. 6-1, 2-3.) By Memorandum Order entered on December 23, 2020, the Court explained that if Plaintiff wished to proceed with this action, he must complete and return the consent to collection of fees form to the Court within thirty (30) days of the date of entry thereof. The Court further explained that if Plaintiff failed to complete and return the consent to collection of fees form within that time, the action would be dismissed without prejudice.

Plaintiff has not complied with the Court's order to return a 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). Plaintiff's conduct

demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 16 February 2021  
Richmond, Virginia

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John A. Gibney, Jr.  
United States District Judge