

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

RANDY ALLEN BRAVERMAN,

Plaintiff,

v.

Civil Action No. 3:21cv453

KEVIN KIGHT, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on July 26, 2021, the Court conditionally docketed Plaintiff's civil action. (July 26, 2021 Mem. Order 1, ECF No. 2.) At that time, the Court directed Plaintiff 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.

Id. 1; *see* 28 U.S.C. § 1915(a)(1) (setting forth these requirements for an *in forma pauperis* action). The Court provided Plaintiff with an *in forma pauperis* affidavit form for this purpose. (July 26, 2021 Mem. Order 1, ECF No. 2.)

Additionally, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. (*Id.*) The Court warned Plaintiff 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. (*Id.* 1–2.)

Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form and a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Nor has he paid the statutory filing fee for the instant action that would be required if he did not qualify for *in forma pauperis* status. *See* 28 U.S.C. § 1914(a) (setting forth a \$350 fee). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b).¹ Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 10-19-21
Richmond, Virginia



M. Hannah Lauck
United States District Judge

¹ This Rule allows for dismissal when “the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil Procedure] or a court order.” Fed. R. Civ. P. 41(b).