

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

MELVIN MARTINEZ,  
Plaintiff,

v.

Civil Action No. 3:22cv09

PWMR ADC,  
Defendant.

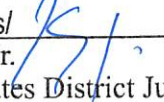
**MEMORANDUM OPINION**

By Memorandum Order entered on January 19, 2022, the Court conditionally docketed the plaintiff's action. (ECF No. 3.) At that time, the Court directed the plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. (*Id.*) The Court warned the 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. (*Id.*)

The 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). The 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: 3 March 2022  
Richmond, Virginia

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John A. Gibney, Jr.  
Senior United States District Judge