

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

DOUGLAS HOFFMAN,)	
)	
Plaintiff,)	
v.)	Civil Action No. 3:22-cv-818-HEH
)	
UNKNOWN AGENTS,)	
)	
Defendants.)	

MEMORANDUM OPINION
(Dismissing Civil Rights Action Without Prejudice)

By Memorandum Order entered on January 3, 2023, the Court conditionally docketed Plaintiff’s action. (ECF Nos. 1, 2.) The Court directed Plaintiff to return his *in forma pauperis* affidavit and affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. 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.

Plaintiff has not complied with the order of this Court. Plaintiff failed to return the *in forma pauperis* affidavit and 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). 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 issue.



/s/

Henry E. Hudson
Senior United States District Judge

Date: Feb. 23, 2023
Richmond, Virginia

¹ Plaintiff responded with a letter but did not return either form and it appears he received the January 3, 2023 Memorandum Order because he provided the assigned case number on the top of his letter. (ECF No. 4.)