

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

**CHARLIE RAY CARNEY,**

Petitioner,

v.

Civil Action No. **3:23CV27**

**COMMONWEALTH OF VIRGINIA,**

Respondent.

**MEMORANDUM OPINION**


Petitioner, a Virginia prisoner proceeding *pro se*, submitted a document complaining his criminal convictions. (ECF No. 1.) Given the content of this document, the Court found it was appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App'x 144, 145 (4th Cir. 2008).

By Memorandum Order entered on January 31, 2023, the Court directed Petitioner, within twenty (20) days of the date of entry thereof, to complete and return the standardized form for filing a § 2254 petition if he wished to file a petition for a writ of habeas corpus. The Court warned Petitioner that the failure to comply with the terms of the January 31, 2023, Memorandum Order would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*.

More than twenty (20) days have elapsed, and Petitioner has not completed and returned the § 2254 form. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. A certificate of appealability WILL BE DENIED.

An appropriate Order shall accompany this Memorandum Opinion

Date: 3 March 2023  
Richmond, Virginia

<p><i>/s/</i>  _____ John A. Gibney, Jr. Senior United States District Judge</p>
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