

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

Richmond Division

GARY A. GERMAIN, JR.,
Plaintiff,

v.

Civil No. 3:23cv28 (DJN)

DR. STURM,
Defendant.

MEMORANDUM OPINION

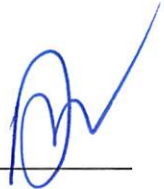
On January 20, 2023, the Court conditionally docketed Plaintiff's action. (ECF No. 3.) Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on March 13, 2023, the Court directed Plaintiff to pay an initial partial filing fee of \$127.33. (ECF No. 7.) On March 20, 2023, the Court received a notification that Plaintiff was transferred to the Virginia Department of Corrections ("VDOC") on March 16, 2023, (ECF No. 8, at 1), and the March 16, 2023 Memorandum Order was returned to the Court as undeliverable, (ECF No. 9). By Memorandum Order entered on March 29, 2023, the Court directed the Clerk to update Plaintiff's address to the centralized mail center for the VDOC. (ECF No. 10.) The Court once again directed Plaintiff to pay an initial partial filing fee of \$127.23 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within thirty (30) days of the date of entry thereof. *Id.* (citing 28 U.S.C. § 1915(b)(1)).

More than thirty (30) days have elapsed, and Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed

in forma pauperis. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

Let the Clerk file a copy of this Memorandum Opinion electronically and send a copy to Plaintiff.

An appropriate Final Order shall issue.


_____/s/_____
David J. Novak
United States District Judge

Richmond, Virginia
Dated: May 15, 2023