

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

MATTHEW L. RATCLIFFE, et al.,

Plaintiff,

v.

Civil Action No. **3:23CV469**

HAROLD W. CLARKE, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on August 18, 2023, the Court conditionally docketed Plaintiffs' civil action and denied Plaintiffs' request to proceed as a class action. At that time, the Court directed each 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.

See 28 U.S.C. § 1915(a)(1). The Court provided each Plaintiff with an *in forma pauperis* affidavit form for this purpose.

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

¹ On August 30, 2023, the Court remailed the August 18, 2023 Memorandum Order and the accompanying documents to Plaintiffs at a better address.

No Plaintiff has complied with the orders of this Court.² Plaintiffs failed to return a completed *in forma pauperis* affidavit form and a consent to collection of fees form. As a result, they do not qualify for *in forma pauperis* status. Furthermore, they have 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). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 9/28/23
Richmond, Virginia

/s/ [Signature]
John A. Gibney, Jr.
Senior United States District Judge

² On September 18, 2023, Plaintiff Cody Iverson moved to withdraw request to proceed *in forma pauperis* and for a “30 day extension to provide affidavits” (ECF No. 15, 1.) Iverson cannot act on behalf of the other Plaintiffs. Further, he fails to state good cause in support of his request for an extension of time. Accordingly, the Motion, (ECF No. 15), will be DENIED. Upon the dismissal of this action without prejudice, Plaintiff Cody Iverson may pursue any claims personal to him by filing a new complaint.