

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

Richmond Division

ABIR ALI,
Plaintiff,

v.

Civil No. 3:23cv616 (DJN)

ESKER LEE TATUM, *et al.*,
Defendant.


MEMORANDUM OPINION

This matter comes before the Court on its own initiative. By Memorandum Order entered on October 6, 2023, the Court conditionally docketed Plaintiff’s action. (ECF No. 4.) At that time, the Court directed 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 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.*)

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). 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 Final Order will accompany this Memorandum Opinion.

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

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

Richmond, Virginia
Dated: November 15, 2023