

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

Richmond Division

RODRIK CLARK,
Plaintiff,

v.

Civil No. 3:23cv772 (DJN)

R. BOURNE,
Defendant.

MEMORANDUM OPINION

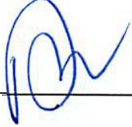
Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. To state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's current allegations fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on April 26, 2024, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. (ECF No. 17.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action. (*Id.*)

More than thirty (30) days have elapsed since the entry of the April 26, 2024 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the April 26, 2024 Memorandum Order.¹ Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

¹ On April 25, 2024, the Court received a letter from Plaintiff stating that he would be released on May 1, 2024 and asking for "change of address paperwork." (ECF No. 16 at 1.) The

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: June 5, 2024

same day, the Clerk wrote a letter to Plaintiff notifying him that the Court does not provide forms for change of address and emphasizing that Plaintiff “must **notify the court of any change of** address by mailing a written statement that includes your case number and new address. If you do not, the court may dismiss your case.” (ECF No. 16-3 at 1.) Nevertheless, Plaintiff did not contact the Court to provide a new address or otherwise respond to the April 26, 2024 Memorandum Order.