

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

ANTONIO LAMONT ALLISON,

Plaintiff,

v.

Civil Action No. **3:24CV504**

J. BRANCH,

Defendant.

MEMORANDUM OPINION

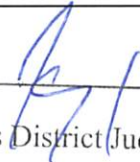
Plaintiff, a Virginia inmate proceeding *pro se*, submitted a letter to advise the Court about problems with legal mail. (ECF No. 1.) Plaintiff also refers to “re-fil[ing an] extremely good 42 U.S.C. § 1983 civil rights action against J. Branch.” (*Id.*) By Memorandum Order entered on July 25, 2024, the Court explained that, at that point, Plaintiff had not filed a civil action against J. Branch in this Court. (ECF No. 3, at 1.) The Court, however, noted that Plaintiff was housed in Keen Mountain Correctional Center which is in the United States District Court for the Western District of Virginia. The Court provided Plaintiff the opportunity to file a complaint and directed the Clerk to write the civil action number for the present action on the standardized form for filing a 42 U.S.C. § 1983 complaint and to send the form to Plaintiff.

The Court explained that if Plaintiff wished to file a complaint at this time, he should complete and return the form to the Court within thirty (30) days of the date of entry thereof. The Court warned Plaintiff, that if appropriate, the Court would transfer the action to the Western District of Virginia. The Court noted that if Plaintiff failed to take any action within that time, the Court would dismiss the action without prejudice. See Fed. R. Civ. P. 41(b).

More than thirty (30) days have elapsed, and Plaintiff has not completed and returned the § 1983 complaint form.¹ Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: 30 August 2024
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
Senior United States District Judge

¹ Plaintiff submitted a letter to the Court indicating that Plaintiff “refiled [the] 42 U.S.C. § 1983 civil action which [was] dated July 8, 2024, which was mailed as outgoing legal mail on July 15, 2024.” (ECF No. 4.) The Court received that Complaint on July 24, 2024, and it was opened as *Allison v. Branch*, No. 3:24cv535. Thus, it appears that the current case is a duplicate action. Plaintiff may pursue his claims in that action.