

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED  
*for Roanoke*  
APR 28 2011  
JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

DAVID W. WILLIAMS  
Plaintiff,

v.

SGT. RATLIFF, et al.,  
Defendants.

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Civil Action No. 7:10-cv-00404

MEMORANDUM OPINION

By: Hon. Jackson L. Kiser  
Senior United States District Judge

By Order entered March 28, 2011, the court informed plaintiff that he was required to pay the \$350.00 filing fee in full upon his release from incarceration because he was no longer eligible to pay the filing fee via installments, pursuant to 28 U.S.C. § 1915. The court provided plaintiff ten days from that order to pay the filing fee or to otherwise respond. Plaintiff was advised that failing to pay the filing fee or to respond would result in the dismissal of the action without prejudice. Plaintiff responded, stating that he needed more time to collect the money and that he wanted to pay it in two installments. The court granted him an extension of time to collect the money and again noted that he could not pay the fee in installments via 28 U.S.C. § 1915 because he was no longer incarcerated. The extension of time to pay the fee or otherwise respond has now expired, and plaintiff did not respond. Accordingly, I dismiss the action without prejudice. Plaintiff may refile his claims in a new and separate action at a time of his choice.

The Clerk is directed to send a copy of this memorandum opinion and accompanying order to plaintiff.

ENTER: This *28th* day of April, 2011.

*Jackson L. Kiser*  
Senior United States District Judge