

FILED
for Roanoke
JUN 28 2011
JULIA G. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

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

GREGORY D. CROSBY,
Plaintiff,

Civil Action No. 7:11-cv-00181

v.

MEMORANDUM OPINION

M. HAMILTON, et al.,
Defendants.

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

By Order entered May 3, 2011, the court assessed the \$350 filing fee and granted plaintiff fifteen days to file a certified report of his inmate trust account for the six-month period before he filed this action in order to determine a payment schedule, pursuant to 28 U.S.C. § 1915(a). Plaintiff was advised that failure to return the statement of assets and the inmate account statement within the time allowed would result in dismissal of this action without prejudice. The court granted plaintiff an extension of time to file the documents, but the time to file them has expired without plaintiff filing certified copies of six-months' inmate trust account records. Accordingly, plaintiff failed to comply with the court's order and the requirements of § 1915, and this action is dismissed without prejudice. Plaintiff may refile his claims in a new and separate action once he can pay the \$350 filing fee or file the necessary financial forms to proceed without prepaying the filing fee.

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

ENTER: This 28th day of June, 2011.

[Signature]
Senior United States District Judge