

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
JUN 28 2011

JULIA C. DUDLEY, CLERK

BY: *[Signature]*
DEPUTY CLERK

KEVIN JOHNSON,
Plaintiff,

Civil Action No. 7:11-cv-00255

v.

MEMORANDUM OPINION

FRED SCHILLING, et al.,
Defendants.

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

By Order entered June 6, 2011, the court assessed the \$350.00 filing fee and granted plaintiff fifteen days to file a statement of his assets and a certified report of his inmate trust account for the six-month period before he filed this action so the court could 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 time for plaintiff to file the required financial documents has expired, and plaintiff failed to return the required financial documents to the court. 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