

OCT 29 2012

JULIA C. DUPLEY, CLERK
BY: *B. Wehr*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CALVIN L. THROWER,
Plaintiff,

v.

NEWSON, et al.,
Defendant(s).

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Civil Action No. 7:12-cv-00429

MEMORANDUM OPINION

By: James C. Turk
Senior United States District Judge

Calvin L. Thrower, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983 . By Order entered September 25, 2012, the court directed plaintiff to submit within 10 (ten) days from the date of the Order the signed consent to fee form. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 21 (twenty one) days have elapsed, and plaintiff has failed to comply with the described conditions to return the signed consent to fee form. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 29th day of October, 2012.

James C. Turk
Senior United States District Judge