

FILED
for Roanoke
SEP 18 2014
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

OSCAR ROBLES,
Plaintiff,

v.

LT. KELLY, et al.,
Defendant(s).

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Civil Action No. 7:14-cv-00360

MEMORANDUM OPINION

By: Jackson L. Kiser
Senior United States District Judge

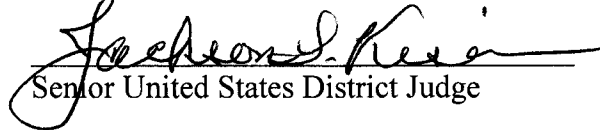
Oscar Robles, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By Order entered July 18, 2014, the court directed plaintiff to submit within 10 days from the date of the Order a statement of assets, an inmate account form, and a certified copy of plaintiff's trust fund account statement for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate prison official of each prison at which is or was confined during that six-month period as well as the executed verified statement form. On August 7, 2014 plaintiff returned the statement of assets and verified statement form and a letter explaining why he had not submitted the inmate account report and trust fund account statements. Plaintiff stated in the letter that Cold Springs Correctional Center had not sent plaintiff the inmate account report back to him but regardless he had submitted an inmate account report when he filed his complaint on July 18, 2014. The inmate account report that plaintiff sent to the court with his complaint was incomplete and therefore the court conditionally filed the case pending plaintiff return the required paperwork. On August 7, 2014 the court sent plaintiff another conditionally filed order directing him to submit the required paperwork and gave him 10 days to comply. On August 13, 2014 plaintiff sent a letter to the court stating that he had been released as well a change of address. On August 25, 2014 the court received the conditionally filed order as undeliverable which had the Cold Springs Correctional Center address therefore out of an abundance of caution, the court sent plaintiff the conditionally filed

August 7, 2013 order to the new address and gave plaintiff 10 days to comply. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 15 days have elapsed, and plaintiff has failed to comply with the described conditions because comply. 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 18th day of September, 2014.


Senior United States District Judge