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

JAMES E. DAVIS,	)	**Civil Action No. 7:17-cv-00251**
Plaintiff,	)	
	)	**MEMORANDUM OPINION**
v.	)	
	)	**By: Michael F. Urbanski**
ROBBIE ALTIZER,	)	**Chief United States District Judge**
Defendant.	)	

James E. Davis, a Virginia inmate proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. On February 16, 2018 the court granted the defendant's motion for extension of time in order to submit a motion for summary judgment. A copy of that order was sent to the plaintiff at the Western Virginia Regional Jail, which is the address he provided the court upon filing the complaint. That order was returned as undeliverable. However, "To Nottoway 1-30-18," was written on the envelope, and thus, the Clerk forwarded the February 16, 2018, order to the plaintiff at Nottoway Correctional Center. By the Order entered March 13, 2018, and sent to Nottoway Correctional Center, the court directed plaintiff to file a statement within ten days as to whether he wanted to continue prosecuting this action. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than ten days have elapsed, and plaintiff has failed to respond. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court due to plaintiff's failure to comply with the Order and to prosecute this case. Plaintiff may refile the claims in a separate action once plaintiff is prepared to litigate his claims.

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

ENTER: This 9th day of April, 2018.

/s/ Michael F. Urbanski
Chief United States District Judge

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