

OCT 19 2017

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

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

JO-EL JOHNSON TRENT,  
Petitioner,

Civil Action No. 7:17-cv-00276

v.

MEMORANDUM OPINION

RED ONION STATE PRISON,  
Respondent.

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

Jo-El Johnson Trent, a Virginia inmate proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 that the court conditionally filed as an attack on the judgment entered by the Circuit Court of the City of Lynchburg. By the Order entered on August 25, 2017, the court, inter alia, informed Petitioner that he is required to pay the \$5.00 filing fee or apply to proceed in forma pauperis and granted him ten days to resolve the outstanding filing fee. The Order advised Petitioner that his failure to respond would result in dismissal of the petition without prejudice.

Petitioner has not communicated with the court since the Order entered on August 25, 2017. Because the time allowed to comply has expired and Petitioner has not complied, this action is dismissed without prejudice. Based upon my finding that Petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c) and Slack v. McDaniel, 529 U.S. 473, 484 (2000), a certificate of appealability is denied.

ENTER: This 19<sup>th</sup> day of October, 2017.

  
Senior United States District Judge