

AUG 14 2017

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

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

JEFFERY J. GARDNER,
Plaintiff,

v.

HAROLD CLARKE,
Defendant(s).

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Civil Action No. 7:17-cv-00333

MEMORANDUM OPINION

By: **Glen E. Conrad**
United States District Judge

Anthony Joe Lewis Kirby, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By order entered July 17, 2017, the court directed plaintiff to submit within 20 days from the date of the order a statement of assets form, 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 plaintiff is or was confined during that six-month period, as well as a verified statement form with accompanying documentation demonstrating that plaintiff had either exhausted the available remedies as to each of the claims raised in the complaint, or document that such remedies did not exist at the present place of confinement, or were not available to plaintiff at the present time. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 20 days have elapsed, and plaintiff has failed to comply with the described conditions. 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 14th day of August, 2017.

[Signature]
United States District Judge