

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

|                           |   |                              |
|---------------------------|---|------------------------------|
| MATTHEW DOBYNS ST. CLAIR, | ) |                              |
| Petitioner,               | ) | Civil Action No. 7:17cv00445 |
|                           | ) |                              |
| v.                        | ) |                              |
|                           | ) | By: Elizabeth K. Dillon      |
| HAROLD W. CLARKE,         | ) | United States District Judge |
| Respondent.               | ) |                              |

**MEMORANDUM OPINION**

By order entered October 11, 2017, the court conditionally filed St. Clair’s petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. In the conditional filing order, the court ordered St. Clair to provide, *inter alia*, information concerning the timeliness of his petition. The court advised St. Clair that failure to comply with the court’s order within ten days would result in the dismissal of his petition. St. Clair filed a motion for an extension of time to comply with the court’s order, and the court gave him until November 22, 2017, to file the information concerning the timeliness of his petition. St. Clair filed no response.

Inasmuch as the time to respond has passed and St. Clair has failed to comply with the court’s order, the court will dismiss this action without prejudice. St. Clair may re-file his claims in a separate action, subject to the applicable statute of limitations.

An appropriate order will be entered.

Entered: November 30, 2017.

*/s/ Elizabeth K. Dillon*  
Elizabeth K. Dillon  
United States District Judge