

JUN 15 2018

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

TONY ANTHONY PAYNE, SR.,)
Plaintiff,)
v.)
TYLER TINDELL, e al,)
Defendant(s).)

Civil Action No. 7:18-cv-00126

MEMORANDUM OPINION

By: Jackson L. Kiser
Senior United States District Judge

Tony Anthony Payne, Sr., proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. Because it had come to the attention of the court that plaintiff had been released from incarceration and no longer was subject to the provisions of the Prisoner Litigation Reform Act, and Order entered May 21, 2018, directed plaintiff to submit within 14 days from the date of the Order the full filing fee or to otherwise respond. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 14 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 15th day of June, 2018.

Jackson L. Kiser
Senior United States District Judge