

AT DANVILLE, VA  
FILED

MAY 27 2020

JULIA C. DUDLEY, CLERK  
BY: s/ MARTHA L. HUPP  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MICHAEL JEROME HARSTON, )  
)  
Plaintiff, )  
)  
v. )  
)  
JUDGE MILAM, et al., )  
)  
Defendants. )

Civil Action No. 7:19cv00876

MEMORANDUM OPINION

By: Jackson L. Kiser  
Senior United States District Judge

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Plaintiff Michael Jerome Harston, a former inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. After filing this action, Harston advised the court that he had been released from incarceration. See ECF No. 10. By order entered May 7, 2020, the court advised Harston that because he was no longer an inmate, he would not be allowed to pay the filing fee in installments under the Prison Litigation Reform Act. See ECF No. 11. The court ordered Harston to pay the balance of the filing fee or otherwise respond to the order within ten days. Id. The court warned Harston that failure to pay the filing fee or otherwise respond to the order would result in immediate dismissal of the action without prejudice. Id. Harston did not respond to the court's order. Accordingly, I will dismiss this action without prejudice for failure to comply. I note that this dismissal is without prejudice to Harston's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

ENTERED this 27th day of May, 2020.

  
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SENIOR UNITED STATES DISTRICT JUDGE