

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

TIMOTHY WAYNE DRAKE,	)	
	)	
Plaintiff,	)	Civil Action No. 7:20cv00006
	)	
v.	)	<u>MEMORANDUM OPINION</u>
	)	
HAROLD W. CLARKE, <u>et al.</u> ,	)	By: Hon. Thomas T. Cullen
	)	United States District Judge
Defendants.	)	

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Plaintiff Timothy Wayne Drake, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By conditional filing orders entered January 6 and 31, 2020, the court advised Drake that he must notify the court in writing immediately upon his transfer or release and must provide the court with his new address. (*See* ECF Nos. 4 and 5). On November 12, 2020, an order the court mailed to Drake was returned as undeliverable and with no forwarding address. (*See* ECF No. 14.) Drake has not provided the court with an updated address. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court’s order. The court notes this dismissal is without prejudice to Drake’s opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

**ENTERED** this 13th day of November, 2020.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE