

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

JAMAR SHANTE PAXTON, SR,
Plaintiff,

Civil Action No. 7:21-cv-00409

v.

GARY T. SETTLE, et al,
Defendant(s),

MEMORANDUM OPINION

By: Thomas T. Cullen
United States District Judge

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. §1983. By order entered July 16, 2021, the court directed plaintiff to submit, within 20 days from the date of the order, a statement of assets, 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. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

On August 2, 2021, plaintiff sent in a money order in the amount of \$350.00, which the clerk returned to him with a letter of explaining that the filing fee was \$402.00 unless the court granted the opportunity to proceed without prepayment of the filing fee. Because the court had not granted that permission, plaintiff was advised he needed to pay the full filing fee. On August 24, 2021, plaintiff sent in a money order in the amount of \$52.00, which the Clerk's Office returned with another letter of explanation. To date, plaintiff has not submitted the full filing fee.

More than 20 days have elapsed, and plaintiff has failed to comply with the described conditions and failed to pay the applicable filing fee. 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 25th day of August, 2021.

/s/ Thomas T. Cullen
United States District Judge