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

DAVAYON JERRELL SAUNDERS,	
Plaintiff,	) Civil Action No. 7:22cv00219
v.	) MEMORANDUM OPINION
SHERIFF ANTONIO HASH, et al.,	<ul><li>By: Hon. Thomas T. Cullen</li><li>United States District Judge</li></ul>
Defendants.	)

Plaintiff Davayon Jerrell Saunders, a Virginia inmate proceeding *pm se,* filed this civil action under 42 U.S.C. § 1983. On May 10, 2022, the court ordered Saunders to show cause, within seven days, why this case should not be dismissed as duplicative of the claims raised in Civil Action No. 7:22cv71. (*See* ECF No. 7.) The court warned Saunders that failure to respond to the court's order would "result in dismissal of this action without prejudice." (*Id.*) The court also advised Saunders that if he intends to proceed in only one case (Civil Action No. 7:22cv71), he could so notify the court or wait for his response time to expire. (*Id.*) Saunders did not respond to the court's order and, therefore, the court will dismiss this action without prejudice.<sup>1</sup>

The clerk is directed to forward a copy of this Memorandum Opinion and accompanying Order to Saunders.

**ENTERED** this 26th day of May, 2022.

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

<sup>&</sup>lt;sup>1</sup> On May 13, 2022, the court received an unsigned request from Saunders, asking the court to send summonses to the defendants. (*See* ECF No. 13.) The court notes that the filing is not responsive to the court's May 10 order and, in fact, was dated May 8 and mailed to the court on May 9, the day before the court's order was entered. (*Id.*)