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AT ROANOKE, VA
FILED

June 05, 2024

LAURA A. AUSTIN, CLERK

BY:

/s/T. Taylor
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

HUNTER TRACEY GRAGG,)
)
 Plaintiff,)
)
 v.)
)
 MAJOR KELLER, *et al.*,)
)
 Defendants.)

Civil Action No. 7:24cv00098

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Hunter Tracey Gragg, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By conditional filing orders entered on February 7 and 20, 2024, the court advised Gragg 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. 2 & 4.) The court further advised Gragg that failure to provide an updated address would result in dismissal of this action. (*Id.*)

On June 4, 2024, a notice sent to Gragg was returned to the court as undeliverable. (*See* ECF No. 17.) The envelope of the returned mail indicates that Gragg is no longer incarcerated at the Western Virginia Regional Jail and that he was released from their custody on April 23, 2024. (*Id.*) The returned mail does not contain a forwarding address. (*Id.*) To date, Gragg has not provided the court with an updated address as required by the court's conditional filing orders. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's orders. The court notes that this dismissal is without prejudice to Gragg's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

The Clerk shall send a copy of this Memorandum Opinion and the accompanying Order to Gragg at his last known address and to counsel of record for the defendants.

ENTERED this 5th day of June, 2024.

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