

FILED
for Roanoke
OCT - 5 2012

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

JULIA C. DUDLEY, CLERK
BY: *M. Stepp*
DEPUTY CLERK

ROQUE ESCOBAR-HERNANDEZ,)	Civil Action No. 7:12-cv-00435
Plaintiff,)	
)	<u>MEMORANDUM OPINION</u>
v.)	
)	By: Jackson L. Kiser
MR. ZYCH, <u>et al.</u> ,)	Senior United States District Judge
Defendant(s).)	

ROQUE ESCOBAR-HERNANDEZ, proceeding pro se, filed a civil rights complaint, pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). By Order entered September 13, 2012, the court directed plaintiff to comply within ten (10) days from the date of the Order conditions. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than eighteen (18) days have elapsed, and plaintiff has failed to comply with the described conditions set forth in Order. 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 *SMH* day of October, 2012.

Jackson L. Kiser
Senior United States District Judge