UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

FILED
JUL 27 2010
CLERK, U.S. DISTRICT COURT
NORFOLK, VA

ELTON L. DRUMMOND, #1119356,	:	
Petitioner,	:	
v.	:	**CIVIL ACTION NO. 2:09cv629**
GENE M. JOHNSON, Director, Virginia Department of Corrections,	:	
Respondent.	:	

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions of abduction, malicious maiming, and use of a firearm while committing or attempting to commit malicious wounding.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge filed his Report and Recommendations on June 29, 2010, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Report and Recommendations and the time for filing objections has expired.

The Court, having reviewed the record and the findings and recommendations of the Magistrate Judge, no objection having been made, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed June 29, 2010. It is, therefore, ORDERED that the respondent's motion to dismiss be GRANTED and the petition be DENIED and DISMISSED and that judgment be entered in favor of the respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to the petitioner and to counsel of record for the respondent.

/s/MSD

MARK S. DAVIS
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
July 26, 2010