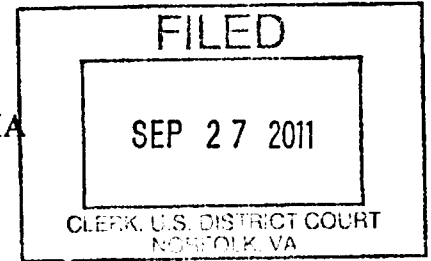


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



LELAND RAYMOND EDWARDS, # 1160906/204486

Petitioner,

v.

ACTION NO. 2:10CV339

**HAROLD W. CLARKE, Director of the
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 (ECF No. 1). 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 petition alleges violation of federal rights pertaining to petitioner's convictions for breaking and entering, malicious wounding, and two counts of use of a firearm during the commission of a felony, as a result of which he was sentenced to serve 68 years in prison.

On December 15, 2010, the Magistrate Judge filed a Report and Recommendation (ECF No. 12) concerning outstanding motions in this pro sé claim for habeas corpus relief under 18 U.S.C. § 2254. Both parties filed objections (ECF Nos. 13 and 14), and by Order entered February 10, 2011 (ECF No. 16), the undersigned adopted and approved the Recommendations, dismissed the Petitioner's due process claims, and directed further briefing or responsive pleadings on the remaining claims within thirty (30) days.

After additional briefing, on August 18, 2011, the Magistrate Judge filed a second Report and Recommendation (ECF No. 20) recommending that the Court grant the Respondent's Supplemental Motion to Dismiss Edward's ineffectiveness claims and deny Edwards' petition for a writ of habeas corpus. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On August 30, 2011, the Court received petitioner's Objections to the Report and Recommendation (ECF No. 21). The respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed August 18, 2011. It is, therefore, ORDERED that Respondent's Supplemental Motion to Dismiss Edward's ineffectiveness claims be GRANTED and Edward's petition for a writ of habeas corpus be DENIED and DISMISSED with prejudice.

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).

Petitioner is hereby notified that he 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.

It is further ORDERED that the petition and all subsequent filings shall be deemed amended to substitute as the sole respondent in this proceeding Harold W. Clarke, Director of the Virginia


Department of Corrections. See Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts (foll. 28 U.S.C. § 2254).

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



Robert G. Doumar
Senior United States District Judge

ROBERT G. DOUMAR
UNITED STATES DISTRICT JUDGE


Norfolk, Virginia

Sept 21, 2011