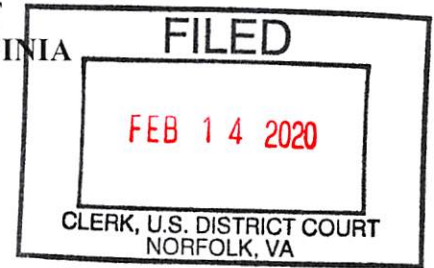


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



LEANTHONY T. WINSTON, #1369027,

Petitioner,

v.

ACTION NO. 2:18cv577

HAROLD W. CLARKE,

Respondent.

ORDER

Petitioner LeAnthony T. Winston (“Winston”), a Virginia inmate, submitted a *pro se* petition pursuant to 28 U.S.C. § 2254, as well as two supplements to his petition. ECF Nos. 1, 2, 6. Winston alleges that his federal rights were violated when he was prosecuted for various offenses in the Circuit Court for the City of Norfolk between 2014 and 2016. *Id.*

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Local Civil Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed December 17, 2019, recommends that Winston’s motions for judgment and motion for temporary restraining order be dismissed without prejudice. ECF No. 48.

Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. While Winston has filed additional motions related to his petition, ECF Nos. 44, 49–52, he has not filed an objection to the report and recommendation, and the time to do so has expired.

The Court, having reviewed the record, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that Winston's motions for judgment (ECF Nos. 36, 40, 42), and motion for temporary restraining order (ECF No. 37) be **DISMISSED WITHOUT PREJUDICE**.

The Court **ORDERS** that Winston's motion to set aside sentence (ECF No. 44) and motion for default judgment (ECF Nos. 49) be **DENIED**, and that Winston's motion for declaratory judgment and temporary restraining order (ECF No. 52) be **DISMISSED WITHOUT PREJUDICE**.

The Court further **ORDERS** Winston to file an amended federal petition on the proper form with his claims numbered no later than thirty days after his state court remedies have been exhausted, or his current federal petition will be dismissed.

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



Robert G. Doumar
United States District Judge

Norfolk, Virginia
February 14, 2020