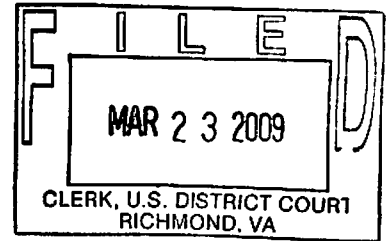


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



**SHERMAN L. SHELTON, JR.,**

Petitioner,

v.

Civil Action No. **3:08cv270**

**DIRECTOR OF DEPARTMENT  
OF CORRECTIONS,**

Respondent.

**ORDER**

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED

that:

1. Petitioner's claims are DISMISSED;
2. Respondent's motion to dismiss (Docket No. 5) is GRANTED;
3. The petition for a writ of habeas corpus under 28 U.S.C. § 2254 is DENIED; and,
4. The action is DISMISSED.

Petitioner may appeal the decision of the Court. Should he wish to do so, written notice of appeal must be filed with the Clerk of Court within thirty (30) days of the date of entry hereof. Failure to file a written notice of appeal may result in the loss of the right to appeal.

The Clerk of the Court is DIRECTED to send a copy of the accompanying Memorandum Opinion and this Order to Petitioner and counsel of record for Respondent.

It is SO ORDERED.

Date: 3-23-09  
Richmond, Virginia

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/s/  
**James R. Spencer**  
Chief United States District Judge