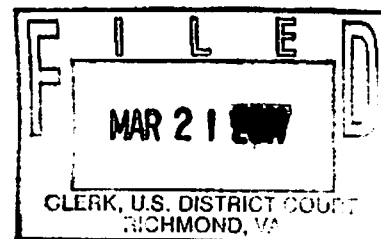


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



KELLY DANIEL BARNES,

Petitioner,

v.

Civil Action No. **3:10CV275**

JOHN W. MAPES,

Respondent.

FINAL ORDER

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

1. The Report and Recommendation is ACCEPTED AND ADOPTED;
2. The petition for a writ of mandamus is DENIED;
3. The action is DISMISSED; and,
4. The Clerk is DIRECTED to note the disposition of the action for purposes of 28 U.S.C. § 1915(g).

Petitioner may appeal the decision of the Court. Failure to file written notice of appeal within thirty (30) days of the date of entry hereof may result in the loss of the right to appeal.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion and Order to
Petitioner.

And it is so ORDERED.

Date: 3-21-11
Richmond, Virginia

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