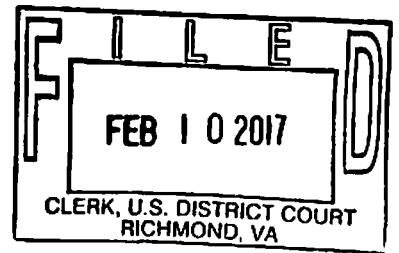


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



TORIAN GAITHER,

Petitioner,

v.

Civil Action No. 3:16CV64

DAVID ZOOK,

Respondent.

ORDER

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

that:

1. Gaither's objection (ECF No. 19) is OVERRULED;
2. The Amended Report and Recommendation (ECF No. 21) is ACCEPTED and ADOPTED;
3. The Motion to Dismiss (ECF No. 14) is GRANTED;
4. Gaither's claim and the action are DISMISSED; and,
5. A certificate of appealability is DENIED.

Should Gaither desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send the Memorandum Opinion and Order to Gaither and counsel of record.

And it is so ORDERED.

Date: **February 10, 2017**
Richmond, Virginia

M. Hannah Lauk
United States District Judge