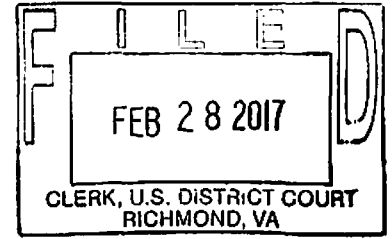


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



MARVIN RIDEOUT,

Petitioner,

v.

Civil Action No. **3:16CV190**

HAROLD CLARKE,

Respondent.

ORDER

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

that:

1. The Report and Recommendation (ECF No. 18) is ACCEPTED and ADOPTED;
2. Respondent's Motion to Dismiss (ECF No. 5) is GRANTED;
3. Rideout's § 2254 Petition (ECF No. 1) and Amended § 2254 Petition (ECF No. 22-1) are DENIED;
4. Rideout's original Motion for Leave (ECF No. 14) is DENIED;
5. Rideout's Motion for Leave (ECF No. 21) and Motion to Amend (ECF No. 22) are GRANTED;
5. Rideout's claims and the action are DISMISSED; and,
6. A certificate of appealability is DENIED.

Should Rideout 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 Becton and counsel of record.

It is so ORDERED.

Date: **FEB 28 2017**
Richmond, Virginia

M. Hannah Lauck
United States District Judge