

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

RANDY DWAYNE ROSS

Petitioner,

v.

LESLIE FLEMING

Respondent.

CIVIL NO. 6:13-cv-00034

FINAL ORDER

JUDGE NORMAN K. MOON

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

1. Respondent's motion to dismiss (docket no. 9) is **DENIED**;
2. The writ of habeas corpus is **GRANTED**;
3. Unless the Commonwealth decides to resentence Petitioner on his two life sentences within a reasonable time, not to exceed six (6) months, Respondent is directed to release Petitioner.

The Clerk is directed to strike this case from the Court's active docket and send copies of this Order and accompanying Memorandum Opinion to all counsel of record.

ENTERED: This 16<sup>th</sup> day of June, 2016.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE