

CLERK'S OFFICE U.S. DIST. COURT
 AT ROANOKE, VA
 FILED
JUN 13 2005
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**IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF VIRGINIA
 ROANOKE DIVISION**

DEREK HORTON, #270179,
 Petitioner,

v.

GENE M. JOHNSON,
 Respondent.

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Civil Action No. 7:05-CV- *00364*

FINAL ORDER

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the petition for habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **FILED**
 and **DISMISSED** and this action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying
 memorandum opinion to petitioner.

ENTER: This *13th* day of June, 2005.

[Signature]
 UNITED STATES DISTRICT JUDGE