

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST COURT  
AT ROANOKE, VA  
FILED  
JAN 23 2006  
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DEPUTY CLERK

DENNIS A. MCCARTHY,	)	
Petitioner,	)	Civil Action No. 7:06cv00059
	)	
	)	
v.	)	<u>FINAL ORDER</u>
	)	
	)	
UNITED STATES OF AMERICA,	)	By: Samuel G. Wilson
Respondent.	)	United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the above referenced motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** without prejudice as successive, all other motions pending in the case are hereby **DENIED**, and this matter shall be **STRICKEN** from the docket.

McCarthy is advised he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to all parties.

ENTER: This 23rd day of January, 2006.

  
UNITED STATES DISTRICT JUDGE