

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

APR 03 2006

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

JOHN F. CORCORAN, CLERK
BY: *J. Craft*
DEPUTY CLERK

MARK ANTHONY KESTNER,)
Petitioner,)
v.)
WAYNESBORO CIRCUIT COURT,)
Respondent.)

Civil Action No. 7:06-cv-00174

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice for failure to exhaust state court remedies and is stricken from the active docket of the court.

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

ENTER: This 3rd day of March, 2006.

James C. Turk
Senior United States District Judge