

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  
**AUG 31 2006**  
BY: JOHN F. CORCORAN, CLERK  
DEPUTY CLERK

ARTIS BAINES, et al., )  
Plaintiffs, ) Civil Action No. 7:06CV00517  
)  
v. ) FINAL ORDER  
)  
D. MCKNIGHT, et al., )  
Defendants. ) By: Hon. Glen E. Conrad  
United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

as follows:

1. The plaintiffs' complaint shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim upon which relief may be granted;
2. The plaintiffs' motion for appointment of counsel and the plaintiffs' motion for a preliminary injunction shall be and hereby are **DENIED**; and
3. This action shall be and hereby is **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 the plaintiffs and counsel of record for the defendants.

ENTER: This 31<sup>st</sup> day of AUGUST, 2006.

  
United States District Judge