

CLERK'S OFFICE U.S. DIST. COURT  
 AT ROANOKE, VA  
 FILED  
**OCT 26 2006**  
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 BY: *[Signature]*  
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**IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF VIRGINIA  
 ROANOKE DIVISION**

**FREDDIE EUGENE CASEY,**  
 Petitioner,

Civil Action No. 7:06-cv-00631

v.

**FINAL ORDER**

**COMMONWEALTH'S ATTORNEY'S  
 OFFICE OF RUSSELL COUNTY,  
 VIRGINIA, et al.,**  
 Respondent.

By: **Hon. James C. Turk**  
 Senior U.S. District

In accordance with the Memorandum Opinion entered this day, it is now

**ADJUDGED AND ORDERED**

that the petition for writ of mandamus is **DENIED**, the petition is also construed as a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and is hereby **DISMISSED** without prejudice as successive, and the action is hereby stricken from the active docket of the court.

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

ENTER: This 26<sup>th</sup> day of October, 2006.

*James C. Turk*  
 Senior United States District Judge