

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

**NOV 20 2006**

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

<b>DAVID A. LOPARO,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 7:06-cv-00654</b>
	)	
<b>v.</b>	)	<b><u>FINAL ORDER</u></b>
	)	
<b>UNNAMED DEFENDANTS, <u>et. al.</u>,</b>	)	<b>By: Hon. James C. Turk</b>
<b>Defendant(s).</b>	)	<b>Senior United States District Judge</b>

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

**ADJUDGED and ORDERED**

that this action, styled as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, but construed by the court as a civil rights action under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915A(b)(1), for failure to state a claim, and 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 plaintiff and to counsel of record for the defendant(s).

ENTER: This 20<sup>th</sup> day of November, 2006.

*James C. Turk*  
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 Senior United States District Judge