

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  
**DEC 06 2006**  
JOHN F. CORCORAN, CLERK  
BY: *S. Wilson*  
DEPUTY CLERK

JOHN TIMOTHY UNDERWOOD, )  
)  
Petitioner, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )

Civil Action No. 7:06cv00706

FINAL ORDER

By: Samuel G. Wilson  
United States District Judge

In accordance with the memorandum opinion entered this day, it is **ORDERED** and **ADJUDGED** that the motion pursuant to 28 U.S.C. § 2255 is **DENIED**, and this action is **STRICKEN** from the active docket of the court.

Underwood is advised that 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 date of the entry of the 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 the petitioner and counsel for the respondent.

**ENTER:** This December 6, 2006.

  
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UNITED STATES DISTRICT JUDGE