



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

ELMER L. BARLEY,	)	
Plaintiff,	)	Civil Action No. 7:06-cv-00754
	)	
v.	)	<u>FINAL ORDER</u>
	)	
MRS. HODGES,	)	By: Hon. James C. Turk
Defendant(s).	)	Senior United States District Judge

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

**ADJUDGED and ORDERED**

that this action shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), as frivolous 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.

ENTER: This 29<sup>th</sup> day of December, 2006.

*James C. Turk*  
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 Senior United States District Judge