

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

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

FEB 06 2007

JOHN F. CORCORAN, CLERK
BY: *J. P. Left*
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JOHNNY FRANK GODFREY ,)
Petitioner,)
v.)
COMMONWEALTH OF VIRGINIA,)
Respondent.)

Civil Action No. 7:07-CV-00045

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice for failure to exhaust state court remedies and is stricken from the active docket of the court.

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

ENTER: This 6th day of February, 2007.

James C. Turk
Senior United States District Judge