

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

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
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R.R.
JUL 09 2007
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DAVID JIMENEZ-RODRIGUEZ,)
Petitioner,) Civil Action No. 7:07CV00153
)
v.) ORDER
)
UNITED STATES OF AMERICA,)
Respondent.) By: Hon. Jackson L. Kiser
Senior United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that Respondent's Motion to Dismiss is **GRANTED**; the above referenced motion pursuant to 28 U.S.C. § 2255 is **DISMISSED**; and this action shall be **STRICKEN** from the active docket of this court.

Jimenez is advised that he may appeal this decision pursuant to Federal Rules of Appellate Procedure 3 and 4 by filing a notice of appeal with this court within sixty (60) days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Federal Rule of Appellate Procedure 4(a)(5).

The Clerk is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record and to Petitioner.

ENTER: This 9th day of July, 2007.

Jackson L. Kiser
Senior United States District Judge