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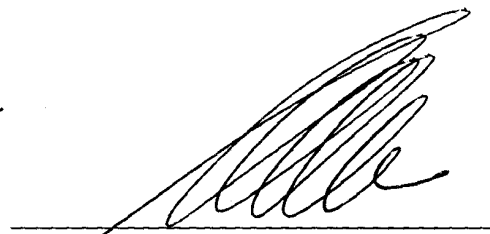
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

SPENCER L. STACEY,)	
Petitioner,)	Civil Action No. 7:08-cv-00059
)	
v.)	<u>FINAL ORDER</u>
)	
GENE JOHNSON, et al.,)	By: Samuel G. Wilson
Respondents.)	United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Stacey's 28 U.S.C. § 2254 petition shall be and hereby is **DISMISSED** without prejudice; all pending motions are **DENIED as MOOT**; and this action shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Memorandum Opinion and accompanying Order to the petitioner.

ENTER: This 5th day of February, 2008.



United States District Judge