

CLERK'S OFFICE U.S. DIST. COURT
 AT ROANOKE, VA
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**IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF VIRGINIA
 ROANOKE DIVISION**

VINCENT EDWARD BERGER,)	Civil Action No. 7:08-cv-00461
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
WARDEN E. BARKSDALE,)	By: Hon. James C. Turk
Respondent.)	Senior United States District Judge

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

ORDERED

that the respondent's motions to dismiss are **GRANTED**; petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 19th day of February, 2009.

[Signature]
 Senior United States District Judge