

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA

FILED  
*for Roanoke*  
IAN 26 2009

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

ROBERT KEITH BUTLER,	)	Civil Action No. 7:08-CV-00470
Petitioner,	)	
	)	
v.	)	<u>ORDER</u>
	)	
TERRY O'BRIEN, WARDEN,	)	By: Hon. Jackson L. Kiser
Respondent.	)	Senior United States District Judge

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

**ORDERED**

that the respondent's motion to dismiss is **GRANTED**; the petitioner's petition for a writ of habeas corpus is **DENIED**; 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 26<sup>th</sup> day of January, 2009.

*[Signature]*  
Senior United States District Judge