

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

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
**FEB 02 2009**  
JOHN F. COFFEDRAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

CARROLL E. WADE,  
Petitioner,

v.

LARRY W. JARVIS,  
Respondent.

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Civil Action No. 7:08-cv-00482

**ORDER**

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

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

that the respondent's motion to dismiss is **GRANTED**; the petitioner's motion for summary judgment (docket #19) is **DENIED**; the petitioner's petition for a writ of habeas corpus is **DISMISSED**; the petitioner's motion for extension of time is **DISMISSED as moot**; 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 2<sup>nd</sup> day of February, 2009.

*[Signature]*  
Senior United States District Judge