

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  
MAR 30 2009  
JOHN F. CORCORAN, CLERK  
BY *J. Brugh*  
DEPUTY CLERK

<b>JEROME BAILEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 7:09CV00104</b>
	)	
<b>v.</b>	)	
	)	<b><u>FINAL ORDER</u></b>
<b>KENNETH L. OSBOURNE,</b>	)	
	)	<b>By: Glen E. Conrad</b>
<b>Defendant.</b>	)	<b>United States District Judge</b>
	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

that this civil rights action, pursuant to 42 U.S.C. § 1983, is **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254; is hereby **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing § 2254 Cases; and is stricken from the active docket of the court.

ENTER: This 30<sup>th</sup> day of March, 2009.

*Glen E. Conrad*  
\_\_\_\_\_  
United States District Judge