

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JUN 11 2009

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

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

JEFFREY MOURNING,)	
Petitioner,)	Civil Action No. 7:09cv00202
)	
v.)	<u>FINAL ORDER</u>
)	
SUPERINTENDENT OF NRVRJ, <u>et al.</u> ,)	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 the Mourning's habeas petition pursuant to 28 U.S.C. § 2254 is **CONSTRUED** as a habeas petition pursuant to 28 U.S.C. § 2241; that Mourning's § 2241 petition shall be and hereby is **DISMISSED** without prejudice; and that this action shall be **STRICKEN** from the active docket of the court.

The clerk is directed to send a certified copy of this order and accompanying memorandum opinion to the petitioner.

ENTER: This 11th day of June, 2009.

[Signature]

United States District Judge