

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

<b>MAURICE FOLEY,</b>	)	<b>Civil Action No. 7:09-cv-00212</b>
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>TERRY O'BRIEN,</b>	)	<b>By: Hon. James C. Turk</b>
<b>Respondent.</b>	)	<b>Senior United States District Judge</b>

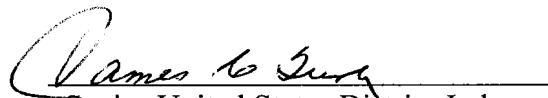
In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that the respondent's motion to dismiss is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is **DISMISSED without prejudice**; 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 29<sup>th</sup> day of December, 2009.

  
Senior United States District Judge