

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

FILED
for Roanoke
NOV 24 2009

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

JOHN F. GORRAN, CLERK
BY: *[Signature]*
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ROBERT ETHAN MILLER, Petitioner,)	Civil Action No. 7:09-cv-00239
)	
v.)	<u>ORDER</u>
)	
WARDEN, USP LEE, Respondent.)	By: Hon. Jackson L. Kiser
)	Senior United States District Judge

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

ORDERED

that the respondent's motion for summary judgment is **GRANTED**; petitioner's 28 U.S.C. § 2241 petition 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 plaintiff.

ENTER: This 24th day of November, 2009.

[Signature]
Senior United States District Judge