

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

AUG 20 2009

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

ANTHONY A. FITTS,)	Civil Action No. 7:09-cv-00245
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
GENE M. JOHNSON,)	By: Hon. James C. Turk
Respondent.)	Senior United States District Judge

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

ORDERED

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED without prejudice** for failure to exhaust state court remedies and the action is **STRICKEN** from the active docket of the court.

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

ENTER: This 20th day of August, 2009.

James C. Turk

Senior United States District Judge