

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

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ROANOKE VA. - FILED  
JUN 30 2009  
BY: JOHN F. CORCORAN, CLERK  
DEPUTY CLERK

TERRY J. MOORE,	)	
	)	
Petitioner,	)	Case No. 7:09CV00252
	)	
v.	)	
	)	<u>FINAL ORDER</u>
	)	
DEPARTMENT OF CORRECTIONS,	)	By: Glen E. Conrad
	)	United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

that the petition for a writ of mandamus is construed as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and **DISMISSED** without prejudice for failure to exhaust state court remedies; and this action is stricken from the active docket of the court.

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

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