

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

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

JUL 30 2009

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| BARBARA LEONE CORBIN, Petitioner, |) | |
| |) | Civil Action No. 7:09-cv-00270 |
| v. |) | <u>FINAL ORDER</u> |
| |) | |
| BARBARA WHEELER, Respondent. |) | By: Samuel G. Wilson United States District Judge |

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

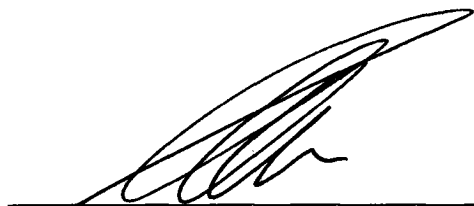
ORDERED and ADJUDGED

that Corbin's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**; Corbin's motion for new trial is **DISMISSED without prejudice**³; and this case shall be **STRICKEN** from the active docket of the court.

Corbin is advised that she may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 30th day of July, 2009.



United States District Judge

³ Corbin filed a motion for new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedure "based upon newly discovered evidence, and other evidence which needs to be investigated." However, the Federal Rules of Criminal Procedure do not apply to state court proceedings. Moreover, Corbin does not indicate what her "newly discovered evidence" is or how it might affect her case. Accordingly, the court dismisses her motion.