

CLERK'S OFFICE U.S. DISTRICT COURT
 AT ROANOKE VA. - FILED
OCT 26 2009
 BY: JOHN F. CORCORAN, CLERK
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**IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF VIRGINIA
 ROANOKE DIVISION**

| | | |
|------------------------------|---|---------------------------------------|
| ANTHONY MALIK BROWN, |) | |
| Plaintiff, |) | Civil Action No. 7:09-CV-00429 |
| |) | |
| v. |) | <u>FINAL ORDER</u> |
| |) | |
| GENE JOHNSON, et al., |) | By: Samuel G. Wilson |
| Defendant. |) | United States District Judge |


In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that this action shall be and hereby is **DISMISSED** as frivolous, pursuant to 28 U.S.C. § 1915A(b)(1), plaintiff's motion for leave to proceed in forma pauperis [Docket #5] is **DENIED as MOOT**, and this case shall be **STRICKEN** from the active docket of the court.

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

ENTER: This 26th day of October, 2009.



 United States District Judge