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 AT DANVILLE, VA  
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*for Roanoke*  
 JUN - 9 2010  
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IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF VIRGINIA  
 ROANOKE DIVISION

WILLIAM DAVIS SCALES,	)	Civil Action No. 7:10-cv-00057
Petitioner,	)	
	)	
v.	)	<u>ORDER</u>
	)	
GENE M. JOHNSON,	)	By: Hon. Jackson L. Kiser
Respondent.	)	Senior United States District Judge

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

**ORDERED**

that respondent's motion to dismiss is **GRANTED**; petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** as untimely filed; a Certificate of Appealability is **DENIED**; and the action 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 petitioner and counsel of record for the respondent.

ENTER: This 9<sup>th</sup> day of June, 2010.

*[Signature]*  
 Senior United States District Judge