

CLERK'S OFFICE U.S. DIST COURT  
AT DANVILLE, VA

FILED  
*for Roanoke*  
MAY 26 2010

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

JOHN F. CORGORAN, CLERK  
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<b>JESSE DUNAWAY,</b>	)	<b>Civil Action No. 7:10-cv-00120</b>
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>DIR. OF THE DEPT. OF CORR.,</b>	)	<b>By: Hon. Jackson L. Kiser</b>
<b>Respondent.</b>	)	<b>Senior United States District Judge</b>

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**; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

ENTER: This 20<sup>th</sup> day of May, 2010.

*Jackson L. Kiser*  
Senior United States District Judge