

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

MAY 16 2011

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

ROBERT LEE COOKE,	)	
	)	Civil Action No. 7:10cv00513
Petitioner,	)	
	)	
v.	)	<u>ORDER</u>
	)	
GENE JOHNSON,	)	
	)	By: Hon. James C. Turk
Respondent.	)	Senior United States District Judge


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

**ADJUDGED AND ORDERED**

that Respondent's Motion to Dismiss (Dkt. No. 12) is **GRANTED**, and Robert Lee Cooke's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Dkt. No. 1) is **DENIED**. Further, Petitioner is advised that a Certificate of Appealability is **DENIED**.

The Clerk of Court is directed to strike the case from the active docket of the Court, and send copies of this Final Order and accompanying Memorandum Opinion to Petitioner and counsel of record for Respondent.

ENTER: This 13<sup>th</sup> day of May, 2011.

  
Senior United States District Judge