

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

MAR 29 2011

JULIA C. DUDLEY, CLERK  
BY: *J. Dudley*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

<b>CHRISTOPHER DEAN HUBBARD,</b>	)	
	)	
<b>Petitioner,</b>	)	<b>Case No. 7:11CV00100</b>
	)	
<b>v.</b>	)	
	)	<b><u>FINAL ORDER</u></b>
	)	
<b>COMMONWEALTH,</b>	)	<b>By: Glen E. Conrad</b>
	)	<b>Chief United States District Judge</b>
<b>Respondent.</b>	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the petitioner's motion to proceed in forma pauperis (ECF No. 7) is **GRANTED**, but the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 28<sup>th</sup> day of March, 2011.



\_\_\_\_\_  
Chief United States District Judge