

AUG 30 2011

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

ELMER EDWARD BURGE, )  
Petitioner, )  
 )  
v. ) **ORDER**  
 )  
HAROLD CLARKE, )  
Respondent. ) **By: Hon. Jackson L. Kiser**  
 ) **Senior United States District Judge**

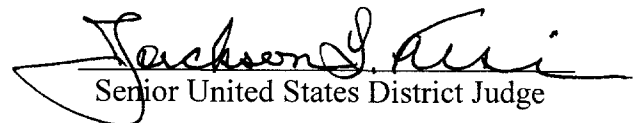
In accordance with the written Memorandum Opinion entered this day, it is hereby

**ORDERED**

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

**ENTER:** This 30<sup>th</sup> day of August, 2011.

  
Senior United States District Judge