-mfu Hubbard v. Commonwealth Of Virginia Doc. 6

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
APR 13 2011
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CHRISTOPHER DEAN HUBBARD,	)	
Plaintiff,	)	**Case No. 7:11CV00162**
v.	)	
	)	**FINAL ORDER**
COMMONWEALTH,	)	**By: Glen E. Conrad**
	)	**Chief United States District Judge**
Defendant.	)	

In accordance with memorandum opinion entered February 28, 2011, it is hereby

ADJUDGED AND ORDERED

that this civil action is hereby **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and is **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing § 2254 Cases; 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 so as to allow an appeal of this decision to the United States Court of Appeals for the Fourth Circuit is **DENIED**.

The clerk shall send a copy of this final order and the accompanying memorandum opinion to the plaintiff/petitioner.

ENTER: This 13th day of April, 2011.

Glen Conrad

Chief United States District Judge

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