

FILED  
*for Roanoke*  
JUN 27 2011

JULIA C. DUDLEY, CLERK  
BY: *M. Hays*  
DEPUTY CLERK

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

ROBERT ETHAN MILLER,  
Plaintiff,

)  
)  
)

Civil Action No. 7:11-cv-00290

v.

)  
)

ORDER

WARDEN ZYCH,  
Defendant.

)  
)

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 this action is **DISMISSED without prejudice** for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1), and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 27<sup>th</sup> day of June, 2011.

*Jackson L. Kiser*  
Senior United States District Judge