

FEB 15 2012

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

JULIA C. DUDLEY, CLERK
BY: *HMcDonald*
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PAUL A. LOVINGS,)	Civil Action No. 7:11-cv-00325
Petitioner,)	
)	ORDER
v.)	
)	By: Hon. Jackson L. Kiser
WARDEN-ROSP,)	Senior United States District Judge
Respondent.)	

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

ORDERED

that petitioner's motion to stay is **DENIED**; respondent's motion to dismiss is **GRANTED**; petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED without prejudice** for failure to exhaust state court remedies; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to petitioner and counsel of record for respondent.

ENTER: This 15th day of February, 2012.

Jackson L. Kiser
Senior United States District Judge