

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

WESLEY WOODROW HIGDON,)
Petitioner,)
v.)
WARDEN LARRY JARVIS,)
Respondent.)

Civil Action No. 7:11-cv-00330

ORDER

By: Hon. Michael F. Urbanski
United States District Judge

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

ORDERED

that respondent's motion to dismiss is **GRANTED in part** and **DENIED in part** to that extent that petitioner's challenges to the sentences described in ¶¶ F and H of the Memorandum Opinion and challenges to the sentences described in ¶¶ D and E accruing after July 4, 2011, are **DISMISSED without prejudice** as premature and that petitioner's claims about the sentence described in ¶ B and the sentences described in ¶¶ D and E accruing before July 4, 2011, are **DISMISSED with prejudice**; 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 respondent.

Entered: March 5, 2012

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge