

SEP 27 2012

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

ROBERT EDWARD LEE SHELL,	)	CASE NO. 7:11CV00363
	)	
Petitioner,	)	
v.	)	FINAL ORDER
	)	
	)	
HAROLD CLARKE, DIRECTOR,	)	By: Glen E. Conrad
	)	Chief United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the respondent's second motion to dismiss (ECF No. 19) is **GRANTED**; the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** with prejudice; respondent's initial motion to dismiss (ECF No. 8) is **DISMISSED** as moot; and this action is stricken from the active docket of the court. Based upon the court's finding that petitioner has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 27<sup>th</sup> day of September, 2012.

*[Signature: Glen E. Conrad]*

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Chief United States District Judge