

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

RANDY A. HAMMONS,	)	
Petitioner	)	Civil Action No. 7:11cv00489
	)	
v.	)	<u>FINAL ORDER</u>
	)	
HAROLD W. CLARKE,	)	By: Norman K. Moon
Respondent.	)	United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby **ORDERED** and **ADJUDGED** that respondent’s motion to dismiss (docket no. 10) is **GRANTED**; the above referenced 28 U.S.C. § 2254 petition is **DISMISSED**; Hammons’ request for the court to appoint counsel (docket no. 20) is **DENIED as MOOT**; and this action is **STRICKEN** from the court’s active docket.

Furthermore, finding that Hammons has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and to all counsel of record.

**ENTER:** This 6th day of September, 2012.

  
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 NORMAN K. MOON  
 UNITED STATES DISTRICT JUDGE