

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

DEC 06 2012

JULIA G. DUDLEY, CLERK
BY: *[Signature]*
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DANNY LEE PEOPLES,)	FINAL ORDER
)	
Petitioner,)	
)	CASE NO. 7:11-CV-00573
v.)	
)	
COMMONWEALTH OF VIRGINIA,)	By: James C. Turk
)	Senior United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the Motion to Dismiss (ECF No. 8) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 6th day of December, 2012.

[Signature]
Senior United States District Judge