

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

JONATHAN D. GARLAND,)	Civil Action No. 7:12-cv-00031
Petitioner,)	
)	ORDER
v.)	
)	By: Hon. Michael F. Urbanski
COMMONWEALTH OF VIRGINIA,)	United States District Judge
Respondent.)	

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

ORDERED

that 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**; all pending motions are **DENIED as moot**; 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.

Entered: January 28, 2012

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge