

FILED
for Roanoke
NOV - 1 2012

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

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

GREGORY DONNELL USRY,)
Petitioner,)
v.)
HAROLD W. CLARKE,)
Respondent.)

Civil Action No. 7:12-cv-00090

ORDER

By: Hon. Jackson L. Kiser
Senior United States District Judge

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

ORDERED

that petitioner's motion to amend is **GRANTED**; respondent's motion to dismiss is **GRANTED**; petitioner's motion to grant is **DENIED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; 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.

ENTER: This 1st day of November, 2012.

Jackson L. Kiser
Senior United States District Judge