

JUL 20 2012

JULIA C. JONES, CLERK
BY: 
DEPUTY CLERK

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

JEFFERY ALLEN HART,)	CASE NO. 7:12CV00277
)	
Petitioner,)	
)	FINAL ORDER
vs.)	
)	
COMMONWEALTH OF TAZEWELL)	
COUNTY, VIRGINIA,)	By: Glen E. Conrad
)	Chief United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's objection (ECF No. 3) to the court's order construing his "MOTION TO VACATE A 'VOID AB INITIO' CONVICTION AND SENTENCE PURSUANT TO VA. CODE § 8.01-428" (ECF No. 1) as a petition under 28 U.S.C. § 2254, is **SUSTAINED**; petitioner's motion/petition (ECF No. 1) is hereby **DISMISSED** without prejudice, and the § 2254 action is stricken from the active docket of the court.

Further, finding that petitioner 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**.

ENTER: This 20th day of July, 2012.



Chief United States District Judge