

FILED
for Roanoke
JUL - 3 2012

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

JULIA C. DUDLEY, CLERK
BY: *M. Steff*
DEPUTY CLERK

TIMOTHY MICHAEL BREEDEN,)
Plaintiff,)

Civil Action No. 7:12-cv-00283

v.)

ORDER

GLEN AYLOR, et al.,)
Defendant.)

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 the complaint is **DISMISSED without prejudice** for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1); plaintiff's motion for leave to proceed in forma pauperis is **DENIED as moot**; and the action is **STRICKEN** from the court's active docket.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to plaintiff.

ENTER: This 3rd day of July, 2012.

Jackson L. Kiser
Senior United States District Judge