Durland v. Zych Doc. 11

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

| | | |
|---|---|---|
| **DANIEL DURLAND,** | ) | **CASE NO. 7:12CV00317** |
| | ) | |
| **Petitioner,** | ) | |
| **v.** | ) | **FINAL ORDER** |
| | ) | |
| | ) | |
| **C. ZYCH, WARDEN,** | ) | **By: Glen E. Conrad** |
| | ) | **Chief United States District Judge** |
| **Respondent.** | ) | |

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that respondent's motion to dismiss (ECF No. 5) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is **DISMISSED**; petitioner's motion to compel a decision on his petition (ECF No. 9) is **DISMISSED** as moot; and this 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 3rd day of April, 2013.

*/s/ Glen E. Conrad*
Chief United States District Judge

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