

APR 16 2013

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

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

ROGER LEE STEPHENS,)	CASE NO. 7:12CV00356
)	
Petitioner,)	
v.)	FINAL ORDER
)	
EDDIE PEARSON, 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 the motion to dismiss (ECF No. 11) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, as amended, is **DISMISSED**; 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 16th day of April, 2013.

[Signature: Glen E. Conrad]

Chief United States District Judge