

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

VINCENT JOHN MERTES,)	Civil Action No. 7:12-cv-00364
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
ZYCH,)	By: Hon. Michael F. Urbanski
Respondent.)	United States District Judge

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

ORDERED

that respondent's motion for summary judgment is **GRANTED** 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.

Entered: December 21, 2012

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge