

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

<p>CLEVELAND SOUTHERS,</p> <p style="padding-left: 40px;">Petitioner,</p> <p>v.</p> <p>CARL A. MANIS,</p> <p style="padding-left: 40px;">Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Case No. 7:12cv00422</p> <p><u>FINAL ORDER</u></p> <p>By: Norman K. Moon</p> <p>United States District Judge</p>
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In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that this action, pursuant to 28 U.S.C. § 2254, is **DISMISSED without prejudice** and is **STRICKEN** from the active docket of the court.

Further, finding that Southers 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**.

The Clerk of the Court is directed to send a copy of this order and the accompanying memorandum opinion to petitioner.

ENTER: This 27th day of September, 2012.



 NORMAN K. MOON
 UNITED STATES DISTRICT JUDGE