

APR 29 2013

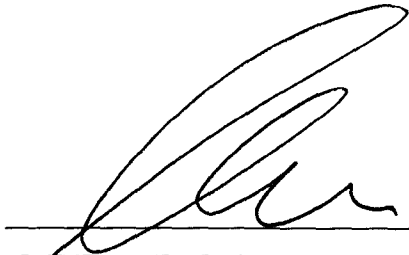
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
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KIM A. PRATER,	)	Civil Action No. 7:13cv00072
	)	
Petitioner,	)	<u>§ 2254 FINAL ORDER</u>
	)	
v.	)	
	)	
HAROLD W. CLARKE,	)	By: Samuel G. Wilson
	)	United States District Judge
Respondent.	)	

In accordance with the memorandum opinion entered on this day, it is hereby **ORDERED** and **ADJUDGED** that Prater's 28 U.S.C. § 2254 petition shall be **DISMISSED without prejudice** and this action shall be **STRICKEN** from the active docket of the court. Further, finding that Prater 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 certified copy of this order and accompanying memorandum opinion to Prater.

ENTER: April 29, 2013.

  
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UNITED STATES DISTRICT JUDGE