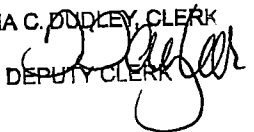


FEB 08 2016

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

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

MARKHAM ANDREW BURKE,) CASE NO. 7:13CV00380
)
Petitioner,)
v.) FINAL ORDER
)
)
HAROLD CLARKE, DIRECTOR,) 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. 12) is **GRANTED** on the ground of procedural default; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, 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 8th day of February, 2016.



Chief United States District Judge