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

MAR 0 4 2016 JULIA C. DUDLEY, CLERK

LARRY WAYNE SMITH,	CASE NO. 7:14CV00686
Petitioner,	
v.	FINAL ORDER
DIRECTOR, VIRGINIA DEPARTMENT	
OF CORRECTIONS,	By: Glen E. Conrad
	Chief United States District Judge
Respondent.	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

- 1. After the court's <u>de novo</u> review of the pertinent portions of the record, petitioner's objections to the magistrate judge's report and recommendation are **OVERRULED**, and the report and recommendation (ECF No. 25) is **ADOPTED** in its entirety as the memorandum opinion of the court;
- 2. Respondent's motion to dismiss (ECF No. 8) is **GRANTED**, and the petition for a writ of habeas corpus under 28 U.S.C. § 2254 is **DISMISSED** with prejudice and stricken from the active docket of the court; and
- 3. 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 $\mathcal{L}^{\mathcal{H}}$ day of March, 2016.

Chief United States District Judge