

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

JAN 27 2017

JULIA G. DUDLEY, CLERK
BY: 
DEPUTY CLERK

FENTON L. TERRY,
Petitioner,

) CASE NO. 7:16CV00049
)
)

v.

) MEMORANDUM OPINION
)

LESLIE FLEMING,
Respondent.

) By: Hon. Michael F. Urbanski
) United States District Judge
)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the motion to dismiss (ECF No. 8) is **GRANTED**, the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**, and the clerk shall **STRIKE** this action 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 26  day of January, 2017.

Michael F. Urbanski

United States District Judge