OCT 14 2016

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

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BY:	/ \ \ \/ \/ \/ \At	
	DEPOTY CLERRY	
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DONALD LEE HESS,	) CASE NO. 7:16CV00262
Plaintiff,	)
v.	) FINAL ORDER )
BARRY VIERS, <u>ET AL.</u> ,	<ul><li>) By: Glen E. Conrad</li><li>) Chief United States District Judge</li></ul>
Defendant(s).	)

In accordance with the accompanying memorandum opinion, it is hereby

## ADJUDGED AND ORDERED

that this action is **DISMISSED** without prejudice for failure to prosecute, see Fed. R. Civ. P. 41(b); defendant's motions (ECF Nos. 14 and 20) are **DISMISSED** without prejudice; and the action is stricken from the active docket of the court.

ENTER: This 14 day of October, 2016.

Chief United States District Judge