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

MICHAEL JEROME HAIRSTON,	)	**CASE NO. 7:17CV00063**
	)	
Petitioner,	)	
v.	)	**FINAL ORDER**
	)	
UNKNOWN, ET AL.,	)	**By: Hon. Glen E. Conrad**
	)	**Chief United States District Judge**
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's motions to amend (ECF Nos. 6-8) are **GRANTED**; this civil rights complaint filed under 42 U.S.C. § 1983, as amended, is hereby **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and is summarily **DISMISSED** without prejudice for failure to exhaust state court remedies; petitioner's motion for appointment of counsel (ECF No. 5) is **DISMISSED** as moot; 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 6th day of April, 2017.

Chief United States District Judge

Hairston v. Unknown Doc. 11

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