

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

MICHAEL KANODE, SR.,

Plaintiff,

v.

CIVIL ACTION NO. 1:08-1113

TERESA WAID, Warden,
Huttonsville Correctional Center,

Defendant.

JUDGMENT ORDER

Consistent with the Memorandum Opinion and Order entered this day, the court hereby **DENIES** plaintiff's petition under 28 U.S.C. § 2254, **DISMISSES** this case without prejudice, and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is further directed to forward a certified copy of this Judgment Order to plaintiff, pro se, and counsel of record.

IT IS SO ORDERED this 5th day of July, 2011.

ENTER:



David A. Faber

Senior United States District Judge