

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

BRANDON SCOTT BLACKMON,

Petitioner,

v.

CIVIL ACTION NO: 2:09-0789

DAVID BALLARD,
Warden,

Respondent.

MEMORANDUM OPINION AND ORDER

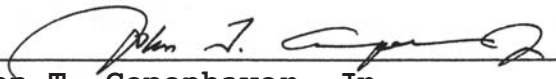
Pending is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed July 8, 2009.

The court having received the Proposed Findings and Recommendation ("PF&R") of United States Magistrate Judge Mary E. Stanley, entered on August 2, 2010; and the magistrate judge having recommended that the court deny the petition; and the magistrate judge having further recommended that the court grant respondent's motion for summary judgment and deny the petitioner's motion for denial of summary judgment; and the court having extended the time for objections, on petitioner's motion, to September 9, 2010; and no objection having been filed to the PF&R, it is ORDERED:

1. That the PF&R be, and it hereby is, adopted by the court and incorporated herein;
2. That the section 2254 petition be, and it hereby is, denied; and
3. That this action be, and it hereby is, dismissed and stricken from the docket.

The Clerk is directed to forward copies of this written opinion and order to the pro se petitioner, all counsel of record, and the United States Magistrate Judge.

DATED: September 13, 2010



John T. Copenhaver, Jr.
United States District Judge