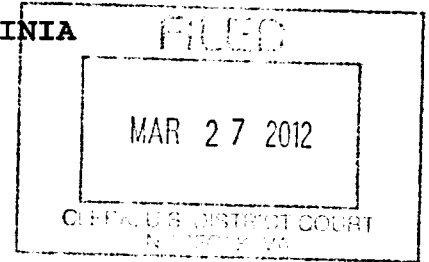


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



JOHN K. GOFFIGAN, #1049041

Petitioner,

v.

ACTION NO. 2:11cv364

HAROLD W. CLARKE,  
Director of the Virginia  
Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of Petitioner's constitutional rights pertaining to his convictions for aggravated malicious wounding, use of a firearm in the commission of aggravated malicious wounding, and possession of a firearm by a convicted felon. Petitioner was convicted of these crimes on September 11, 2007, in the Circuit Court for the City of Suffolk, as a result of which he was sentenced to serve an active term of ten years in the Virginia penal system.

The petition was referred to a United States Magistrate Judge for report and recommendation, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern

District of Virginia. The Magistrate Judge's Report and Recommendation, filed February 24, 2012, recommends dismissal of the petition with prejudice. The Court has received no objections to the Report and Recommendation, and the time for filing objections has expired.


The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation filed February 24, 2012, and it is therefore ORDERED that the petition for a writ of habeas corpus is DENIED and Respondent's Motion to Dismiss is GRANTED. Accordingly, the petition is DISMISSED and judgment shall entered in favor of Respondent. To the extent that the petition is based on Grounds 1 and 2, the petition is DISMISSED on the merits. To the extent that the petition is based on Ground 3, the petition is DISMISSED because the claim is non-cognizable in this Court.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 30 days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to

Rule 22(b) of the Federal Rules of Appellate Procedure. See  
Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to  
Petitioner and to counsel of record for Respondent.

/s/  
**Rebecca Beach Smith**  
**Chief**  
**United States District Judge** 

REBECCA BEACH SMITH  
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

March 27, 2012