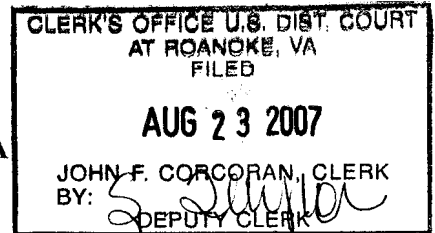


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



JOSEPH SHANNON SMITH,)
Petitioner,)
v.)
COMMONWEALTH OF VIRGINIA,)
Respondent.)

Civil Action No. 7:07-cv-00390

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that this action, styled by petitioner as a petition for a writ of coram nobis, shall be and hereby is **CONSTRUED and DISMISSED**, pursuant to 28 U.S.C. § 2244(b), as a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254, and the action is hereby stricken from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner.

ENTER: This 24th day of August, 2007.


Senior United States District Judge