

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

SHAWN M. WOODSON,
Petitioner-Appellant,

v.

RONALD HUTCHINSON; ATTORNEY
GENERAL FOR THE STATE OF
MARYLAND,

Respondents-Appellees.

No. 00-6260

Appeal from the United States District Court
for the District of Maryland, at Greenbelt.
William M. Nickerson, District Judge.
(CA-99-944-WMN)

Submitted: October 17, 2000

Decided: December 1, 2000

Before WIDENER, WILKINS, and MOTZ, Circuit Judges.

Reversed and remanded by unpublished per curiam opinion.

COUNSEL

Shawn M. Woodson, Appellant Pro Se. John Joseph Curran, Jr.,
Attorney General, Ann Norman Bosse, OFFICE OF THE ATTOR-
NEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appel-
lees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Shawn M. Woodson appeals the district court's order dismissing his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000) as untimely. Subsequent to the district court's decision, we held that the final day of the one-year limitation period for petitioners whose convictions became final prior to the enactment of the AEDPA was April 24, 1997. *See Hernandez v. Caldwell*, ___ F.3d ___, 2000 WL 1218361, *5 (4th Cir. Aug. 28, 2000). Because Woodson filed his state habeas petition on April 24, 1997, and the one-year period was tolled for the entire time his application for post conviction relief was properly pending in the Maryland courts, *see Taylor v. Lee*, 186 F.3d 557, 561 (4th Cir. 1999), *cert. denied*, ___ U.S. ___, 120 S. Ct. 1262 (2000), Woodson's petition was timely filed. Accordingly, we grant a certificate of appealability, reverse the judgment of the district court, and remand for consideration on the merits. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

REVERSED AND REMANDED