

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. CHRISTOPHER HASTINGS, <i>Defendant-Appellant.</i>

No. 02-7409

Appeal from the United States District Court
for the District of South Carolina, at Charleston.
Patrick Michael Duffy, District Judge.
(CR-98-600, CA-01-2783-2-23)

Submitted: May 7, 2003

Decided: May 21, 2003

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Christopher Hastings, Appellant Pro Se. Robert Hayden Bickerton,
Assistant United States Attorney, Charleston, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Christopher Hastings appeals the order of the district court dismissing his motion under 28 U.S.C. § 2255 (2000) as untimely filed.* In calculating the limitations period applicable to Hastings's motion, the district court relied on *United States v. Torres*, 211 F.3d 836, 839 (4th Cir. 2000). Since then, the United States Supreme Court has overruled *Torres*. See *Clay v. United States*, 123 S. Ct. 1072 (2003). Accordingly, we vacate the district court's order and remand for consideration in light of *Clay* and *Houston v. Lack*, 487 U.S. 266 (1988). 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.

VACATED AND REMANDED

*The district court granted Hastings's motion for a certificate of appealability.