Certiorari Granted by Supreme Court, March 7, 2016
Vacated and Remanded by Supreme Court, March 7, 2016

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6619

DAVID JOSEPH SANCHEZ, JR.,

Petitioner – Appellant,

v.

MARIE VARGO, Warden, Sussex II State Prison,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:13-cv-00400-REP)

Submitted: March 17, 2015 Decided: March 18, 2015

Before WILKINSON and DUNCAN, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Carolyn M. Sweeney, Joshua C. Toll, Sara A. Silverstein, Samuel E. Doran, Stephen D. Saltarelli, KING & SPALDING LLP, Washington, D.C., for Appellant. Mark R. Herring, Attorney General, Victoria Johnson, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Sanchez, Jr., appeals the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition. Sanchez was convicted in 1999 of capital murder and related offenses and is serving a sentence of life plus eighteen years without the possibility of parole. The sole issue raised in this appeal is whether Sanchez is entitled to retroactive application of Miller v. Alabama, 132 S. Ct. 2455 (2012). In Miller, the Supreme Court held that the Eighth Amendment prohibits a mandatory sentence of life without parole for an offender who was under the age of eighteen at the time of the offense. Id. at 2461. Sanchez was seventeen when he committed the relevant crimes.

This case is governed by our recent decision in Johnson v. Ponton, ___ F.3d ___, 2015 WL 924049 (4th Cir. 2015). In Johnson, we held "that the Miller rule is not retroactively applicable to cases on collateral review." Id. at *1. In light of Miller, we affirm the denial of Sanchez's § 2254 petition. 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.

AFFIRMED