

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-6454**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LEWIS BANKS,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Florence. C. Weston Houck, Chief District Judge. (CR-91-567)

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Submitted: October 8, 1998

Decided: October 26, 1998

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Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lewis Banks appeals from a district court order denying his motion to file a motion under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998), out of time. Banks' conviction became final in 1994, and he did not file the motion denied by the district court until February 17, 1998. Under the grace period afforded to prisoners whose convictions became final prior to the effective date of the one-year limitations period imposed by the 1996 amendments to § 2255, Banks had until April 23, 1997, to file a § 2255 motion. See Brown v. Angelone, 150 F.3d 370 (4th Cir. 1998). Hence, the district court properly found that Banks cannot now file a timely § 2255 motion.

Banks argues on appeal that the one-year limitation should not apply to him because, as a Spanish speaking inmate, he had no way of learning of the amendments to § 2255 because his institution only provides law books written in English. There is no requirement, however, that prisoners be personally notified, in English or any other language, of changes in the law which might effect them. Accordingly, we deny a certificate of appealability and dismiss the appeal. 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.

DISMISSED