

FILED: June 24, 2014

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6090
(5:09-cr-00267-H-1; 5:12-cv-00099-H)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PHILLIP ANTHONY ISLES,

Defendant - Appellant.

ORDER

Now pending before the court is Appellant Phillip Anthony Isles' petition for rehearing of our April 30, 2013 decision. In that opinion, we denied a certificate of appealability and dismissed Isles' appeal of the district court's order dismissing as time-barred his 28 U.S.C.A. § 2255 (West Supp. 2013) motion to vacate his conviction under 18 U.S.C. §§ 922(g)(1), 924 (2006), and resulting 120-month sentence. Upon consideration of the contentions and materials submitted in conjunction with the petition, we grant rehearing, grant a certificate of

appealability, and remand this case to the district court for further proceedings in light of McQuiggin v. Perkins, 133 S. Ct. 1924 (2013), and Miller v. United States, __ F.3d __, 2013 WL 4441547 (4th Cir. Aug. 21, 2013). The mandate in this case shall issue forthwith.

Entered at the direction of the panel: Judge Agee, Judge Wynn and Senior Judge Hamilton.

For the Court

/s/ Patricia S. Connor, Clerk