

FILED: January 15, 1997

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6878

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HAYWOOD WILLIAMS, JR.,

Defendant - Appellant.

On Petition for Rehearing and Suggestion for Rehearing In Banc.

Haywood Williams, Jr. petitions this court for rehearing of his earlier appeal. We grant the petition for rehearing, deny the suggestion for rehearing in banc, and vacate and remand the district court's decision. The district court is directed to determine whether Williams' motion to reinstate a motion under 28 U.S.C. § 2255 (1994), amended by Act of Apr. 24, 1996, 28 U.S.C. § 2254 (Law. Co-op. Advance Sheet June 1996), was filed prior to the enactment of the Antiterrorism and Effective Death Penalty Act under Houston v. Lack, 487 U.S. 266 (1988).

Entered at the direction of Judge Luttig. Judge Ervin and Judge Michael concur in granting the petition for rehearing. Judge Luttig dissents and would deny the petition for rehearing.

FOR THE COURT,

/s/ Patricia S. Connor
CLERK