

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

RONALD QUITMAN ELLIS,
Petitioner-Appellant,

v.

RONALD HUTCHINSON, Warden,
Maryland House of Corrections; J.
JOSEPH CURRAN, JR., Attorney
General of the State of Maryland,
Respondents-Appellees.

No. 00-6870

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
J. Frederick Motz, Chief District Judge.
(CA-00-1379-JFM)

Submitted: November 28, 2000

Decided: December 19, 2000

Before LUTTIG and TRAXLER, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Reversed and remanded by unpublished per curiam opinion.

COUNSEL

Fred Warren Bennett, Michael E. Lawlor, BENNETT & NATHANS,
L.L.P., Greenbelt, Maryland, for Appellant. J. Joseph Curran, Jr.,
Attorney General of Maryland, Ann N. Bosse, Assistant Attorney
General, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Ronald Quitman Ellis appeals the district court's order dismissing his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000) as untimely. Subsequent to the district court's decision, we held that the final day of the one-year limitation period for petitioners whose convictions became final prior to the enactment of the AEDPA was April 24, 1997. *Hernandez v. Caldwell*, 235 F.3d 435, 439 (4th Cir. 2000). Because Ellis filed his state habeas petition on April 24, 1997, and the one-year period was tolled for the entire time his application for post-conviction relief was properly pending in the Maryland courts, *Taylor v. Lee*, 186 F.3d 557, 561 (4th Cir. 1999), *cert. denied*, ___ U.S. ___, 120 S. Ct. 1262 (2000), Ellis' petition was timely filed. Accordingly, we reverse the judgment of the district court, and remand for consideration on the merits. 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.

REVERSED AND REMANDED