

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 96-30932

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL E WILLIAMS,

Defendant-Appellant.

Appeal from the United States District Court
For the Eastern District of Louisiana
(96-CV-1152-F)

November 10, 1997

Before EMILIO M. GARZA, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Michael E. Williams appeals from the district court's decision to dismiss his second petition for habeas corpus pending certification by this Court under the Anti-Terrorism and Effective Death Penalty Act of 1996 ("AEDPA"). See 28 U.S.C. § 2244(b)(3)(A). Williams contends that the certification requirement of AEDPA should not apply to his petition because he filed his motion on April 2, 1996, some 22 days before the President signed AEDPA into law on April 24, 1996. We agree. See

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

United States v. Carter, 117 F.3d 262, 264 (5th Cir. 1997) ("§ 2255 appellants are not subject to this COA requirement unless their § 2255 petitions were filed in the district court after the AEDPA's effective date of April 24, 1996") (citing *Lindh v. Murphy*, ___ U.S. ___, ___, 117 S.Ct. 2059, 2068, 138 L.Ed.2d 481 (1997)).

REVERSED AND REMANDED.