

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-31036
Summary Calendar

SYLVESTER ROLLINS,

Petitioner-Appellant,

versus

BURL CAIN, Acting Warden; RICHARD P. IEYOUB,
Attorney General, State of Louisiana,

Respondents-Appellees

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC 96-CV-1395-M
- - - - -

September 23, 1997

Before DUHE', DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:*

Sylvester Rollins, a Louisiana prisoner (# 76405), appeals from the district court's order dismissing, without prejudice, his 28 U.S.C. § 2254 habeas corpus petition. The district court's order was based on Rollins' failure to seek certification from this court to file a successive § 2254 petition, pursuant to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

28 U.S.C. § 2244(b)(3) as amended by the Antiterrorism and Effective Death Penalty Act ("AEDPA"). Because Rollins filed his petition prior to the AEDPA's April 24, 1996, enactment date, however, the certification provision in the amended § 2244(b)(3) did not apply to his petition. See Williams v. Cain, 117 F.3d 363, 363-65 (5th Cir. 1997). Accordingly, the district court's order is VACATED and this case is REMANDED for further proceedings.

VACATED AND REMANDED.