


motion.²

II.

For the reasons stated, the court files and dismisses Eldridge's § 2255 motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings.

ENTER: This 7th day of June, 2005.



UNITED STATES DISTRICT JUDGE

²Additionally, Eldridge's petition is untimely. Pursuant to 28 U.S.C. § 2255, a petitioner must file his motion within one-year from the date his conviction becomes final. See 28 U.S.C. § 2255 ¶ 6(1). Assuming that the Supreme Court considered Eldridge's petition for certiorari timely, his conviction became final on January 11, 1999, when the Court denied his petition for certiorari, see Clay v. U.S., 537 U.S. 522, 525 (2003), meaning he had until January 11, 2000, to file a § 2255 petition. Eldridge did not meet this deadline, and he does not meet any of the conditions allowing for a later commencement of the statutory period. See 28 U.S.C. § 2255 ¶ 6(1).