

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6861**

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GERALD J. HOLMES,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,

Defendant - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, District Judge. (2:02-cr-00823-PMD; 2:05-cv-03178-PMD)

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Submitted: April 16, 2007

Decided: June 21, 2007

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Before MICHAEL, MOTZ, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Gerald J. Holmes, Appellant Pro Se. Robert Hayden Bickerton, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gerald J. Holmes appeals the district court's order denying his 28 U.S.C. § 2255 (2000) petition as untimely under the Antiterrorism and Effective Death Penalty Act of 1996. The district court previously granted a certificate of appealability. We have reviewed the record and find that the district court correctly concluded Holmes's § 2255 petition was untimely filed. Accordingly, we affirm for the reasons stated by the district court. See Holmes v. United States, Nos. 2:02-cr-00823-PMD; 2:05-cv-03178-PMD (D.S.C. Apr. 7, 2006). 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.

AFFIRMED