

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-6045**

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JASON MICHAEL CONTRERAS,

Petitioner - Appellant,

v.

KEITH W. DAVIS, Warden, Sussex II State Prison,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:13-cv-00772-JCC-TRJ)

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Submitted: March 10, 2015

Decided: March 16, 2015

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Before GREGORY, DUNCAN, and WYNN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Jonathan P. Sheldon, SHELDON, FLOOD & HAYWOOD, PLC, Fairfax, Virginia, for Appellant. Rosemary Virginia Bourne, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jason Michael Contreras appeals the district court's order dismissing his 28 U.S.C. § 2254 (2012) petition raising a claim under Miller v. Alabama, 132 S. Ct. 2455 (2012). We previously granted a certificate of appealability on the issue of whether the district court erred in dismissing the petition as untimely, and we placed the appeal in abeyance pending a decision in Johnson v. Ponton, \_\_ F.3d \_\_, 2015 WL 924049 (4th Cir. Mar. 5, 2015). In Johnson, the Court held that the Miller rule is not retroactively applicable to cases on collateral review. Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED