

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6631

HOLLY MICHELLE LANDRY,

Petitioner - Appellant,

v.

PHYLLIS A. BASKERVILLE, Warden, Fluvanna Correctional Center
for Women,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. M. Hannah Lauck, Magistrate
Judge. (3:13-cv-00367-MHL)

Submitted: September 27, 2016

Decided: October 4, 2016

Before WILKINSON and MOTZ, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

Danielle Spinelli, Sonya L. Lebsack, Beth C. Neitzel, WILMER
CUTLER PICKERING HALE AND DORR LLP, Washington, D.C., for
Appellant. Mark R. Herring, Attorney General of Virginia,
Eugene Murphy, Senior Assistant Attorney General, Richmond,
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Holly Michelle Landry appeals the district court's order denying relief on her 28 U.S.C. § 2254 (2012) petition, in which Landry claimed that her sentence of mandatory life without parole violated Miller v. Alabama, 132 S. Ct. 2455 (2012). The district court concluded that Miller did not apply retroactively to cases on collateral review for purposes of 28 U.S.C. § 2244 (d)(1)(C) (2012). The court denied Landry's § 2254 petition and granted a certificate of appealability. Subsequent to the district court's decision, the Supreme Court held that "Miller announced a new substantive rule that is retroactive to cases on collateral review." Montgomery v. Louisiana, 136 S. Ct. 718, 732 (2016). Because the district court did not have the benefit of Montgomery, we vacate the judgment and remand for further proceedings. We express no opinion as to the merits of Landry's petition. 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.

VACATED AND REMANDED