

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6498

BRANDON MICHAEL CRAWFORD,

Petitioner - Appellant,

v.

EDDIE L. PEARSON, Warden, Greensville Correctional Center,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:13-cv-00773-TSE-JFA)

Submitted: June 6, 2016

Decided: June 16, 2016

Before SHEDD, WYNN, and HARRIS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Michael Anthony Petrino, KIRKLAND & ELLIS, LLP, Washington, D.C., for Appellant. Craig Stallard, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brandon Michael Crawford seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition seeking to challenge his Virginia sentence of mandatory life without parole under Miller v. Alabama, 132 S. Ct. 2455 (2012).^{*} The district court concluded that Miller was not retroactively applicable to cases on collateral review for purposes of 28 U.S.C. § 2244(d)(1)(C) (2012). Subsequent to the district court's decision, the Supreme Court held in Montgomery v. Louisiana, 136 S. Ct. 718, 732 (2016), that "Miller announced a new substantive rule that is retroactive in cases on collateral review." Because the district court did not have the benefit of this decision, we grant a certificate of appealability, vacate the judgment, and remand for further proceedings in light of Montgomery. We express no opinion as to the merits of Crawford's petition. 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.

VACATED AND REMANDED

^{*} Crawford received this mandatory life sentence for two counts of capital murder; he was 17 at the time he committed the offenses.