

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 15-7371

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES SCOTT ROBINSON,

Defendant - Appellant.

On Remand from the Supreme Court of the United States.
(S. Ct. No. 16-6550)

Submitted: September 28, 2017

Decided: October 17, 2017

Before MOTZ, SHEDD, and DIAZ, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

James Scott Robinson, Appellant Pro Se. Seth Morgan Wood, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Scott Robinson appealed the district court's order denying his 28 U.S.C. § 2255 (2012) motion as untimely. We affirmed on appeal. *United States v. Robinson*, 653 F. App'x 779 (4th Cir. 2016). The Supreme Court granted Robinson's certiorari petition and has remanded the case to this Court for further consideration in light of *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016). *Robinson v. United States*, 137 S. Ct. 1433 (2017) (Mem.). Because the district court has not yet had the opportunity to assess the impact of *Montgomery* on Robinson's § 2255 motion, we vacate the district court's order and remand for further proceedings. 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