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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEVEN RAY RITCHIE,

Petitioner - Appellant,

v.

LEROY KIRKEGARD; MIKE BATISTA,

Respondents - Appellees.

No. 14-35532

D.C. No. 9:09-cv-00177-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, Senior District Judge, Presiding

Argued and Submitted November 3, 2015
Portland, Oregon

Before: FISHER, BERZON and WATFORD, Circuit Judges.

Petitioner Steven Ritchie appeals the dismissal of his federal habeas petition as untimely. We have jurisdiction under 28 U.S.C. §§ 1291 and 2253.

At oral argument, the state conceded Ritchie's petition was timely in light of *Rogers v. Ferriter*, 796 F.3d 1009 (9th Cir. 2015). We therefore reverse the district court's decision and remand for further proceedings.

REVERSED and REMANDED.

*This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.