

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-31124  
Summary Calendar

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RICHARD W. MONK,

Petitioner-Appellant,

versus

BURL CAIN, Warden,  
Louisiana State Penitentiary,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 97-CV-4

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August 26, 1998

Before JOLLY, SMITH and WIENER, Circuit Judges.

PER CURIAM:\*

Richard Monk, Louisiana prisoner # 106091, appeals the district court's dismissal of his 28 U.S.C. § 2254 petition as time barred under 28 U.S.C. § 2244(d)(1)'s limitations period. Because Monk filed his § 2254 petition within one year of the effective date (April 24, 1996) of the Antiterrorism and Effective Death Penalty Act (AEDPA), his filing was timely. See United States v. Flores, 135 F.3d 1000, 1005-06 (5th Cir. 1998)(holding that there is a one-year grace period for imposing the analogous limitations period for filing 28 U.S.C. § 2255 motions enacted by the AEDPA). The district court's judgment dismissing Monk's petition as time barred is VACATED, and the case is REMANDED for further proceedings.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.