

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 96-30892

---

JOHN A. MORAN,

Petitioner,

versus

RICHARD L. STALDER, SECRETARY  
LA. DEPT. OF CORRECTIONS,

Respondent.

---

Appeal from the United States District Court  
for the Eastern District of Louisiana

---

August 19, 1997

Before JONES, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

This is a successive habeas petition filed in the district court in February 1996, before the effective date of the Anti-Terrorism and Effective Death Penalty Act. The district court held, and we initially agreed, that because the petition was pending at the effective date of the AEDPA, petitioner Moran was required to obtain a certificate of appealability in this court

---

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

pursuant to newly enacted § 2244(b). As it turned out, the Supreme Court did not agree with this position. Lindh v. Murphy, \_\_\_ S.Ct. \_\_\_ (1997), and it has held the COA requirement inapplicable to petitions filed before the effective date of AEDPA. Consequently, we must reverse and remand for consideration of Moran's petition in the district court pursuant to pre-AEDPA standards.

REVERSED and REMANDED.