

## **Order of the Court Regarding Section 2254, 2255 Petitions**

**United States Court of Appeals  
for the First Circuit**

### **ORDER OF COURT**

This court has adopted Local Rules 22.1 and 22.2 in order to implement provisions of the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") relating to the processing of applications for certificates of appealability and motions to file second or successive petitions in proceedings arising under 28 U.S.C. §§ 2254 and 2255.

The Supreme Court's decision in *Lindh v. Murphy*, 117 S.Ct. 2059 (1997), indicates that the subject provisions of the AEDPA do not apply in non-capital cases that were filed in the district courts or courts of appeals prior to April 24, 1996, the effective date of the AEDPA.

Local Rule 22 is applicable to § 2254 proceedings which were pending prior to April 24, 1996. Local Rules 22.1 and 22.2 shall be applied to the processing of non-capital § 2254 and § 2255 petitions, and to motions seeking permission to file second or successive petitions, which were filed on or after April 24, 1996.

So ordered.

October 15, 1999