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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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DODD *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 04–5286. Argued March 22, 2005—Decided June 20, 2005

On April 4, 2001, petitioner Dodd filed a *pro se* motion under 28 U. S. C. §2255, claiming that his conviction for knowingly and intentionally engaging in a continuing criminal enterprise, in violation of 21 U. S. C. §§841 and 846, should be set aside because it was contrary to *Richardson* v. *United States*, 526 U. S. 813, 815, which held that a jury must agree unanimously that a defendant is guilty of each of the specific violations that together constitute the continuing criminal enterprise. The District Court held that, because *Richardson* had been decided more than one year before Dodd filed his motion, the motion was untimely under §2255, ¶6(3), which provides that §2255's 1-year limitation period begins to run on "the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review." On appeal, Dodd argued that ¶6(3)'s limitation period began to run on April 19, 2002, the date the Eleventh Circuit recognized *Richardson*'s retroactive application to cases on collateral review. The Eleventh Circuit held that the period began to run on June 1, 1999, the date that this Court initially decided *Richardson*.

Held:

1. The 1-year limitation period under ¶6(3) begins to run on the date on which this Court "initially recognized" the right asserted in an applicant's motion, not the date on which that right was made retroactive. The text of ¶6(3) unequivocally identifies one, and only one, date from which the limitation period is measured: "the date on which the right asserted was initially recognized by the Supreme Court." This Court presumes that a legislature says what it means and means what it says in a statute. Dodd's reliance on ¶6(3)'s sec-

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ond clause to identify the operative date is misplaced. That clause merely limits the subsection's applicability to cases in which applicants assert rights "newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review." Thus, ¶6(3)'s date—"the date on which the right asserted was initially recognized by the Supreme Court"—does not apply at all unless the conditions in the second clause are satisfied. This result may make it difficult for applicants filing second or successive §2255 motions to obtain relief, since this Court rarely announces a new rule of constitutional law and makes it retroactive within a year, but the Court is not free to rewrite the statute that Congress has enacted. Pp. 3–7.

2. Because Dodd's §2255 motion was filed more than a year after this Court decided *Richardson,* his motion was untimely. Pp. 7–8.

365 F. 3d 1273, affirmed.

O'CONNOR, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and SCALIA, KENNEDY, and THOMAS, JJ., joined. STEVENS, J., filed a dissenting opinion, in which SOUTER, GINSBURG, and BREYER, JJ., joined as to Part II, except for n. 4. GINSBURG, J., filed a dissenting opinion, in which BREYER, J., joined.