SUPREME COURT OF THE UNITED STATES

No. 01–1862

JEANNE WOODFORD, WARDEN, PETITIONER *v.* ROBERT FREDERICK GARCEAU

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[March 25, 2003]

JUSTICE THOMAS delivered the opinion of the Court.

In *Lindh* v. *Murphy,* 521 U. S. 320 (1997), we held that amendments made to chapter 153 of Title 28 of the United States Code by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 110 Stat. 1214, do not apply to cases pending in federal court on April 24, 1996—AEDPA's effective date. In this case we consider when a capital habeas case becomes "pending" for purposes of the rule announced in *Lindh*.

I

Respondent Robert Garceau brutally killed his girlfriend Maureen Bautista and her 14-year-old son, Telesforo Bautista. He was convicted of first-degree murder and sentenced to death. The California Supreme Court affirmed respondent's conviction and sentence, *People* v. *Garceau*, 6 Cal. 4th 140, 862 P. 2d 664 (1993), and denied on the merits his petition for state postconviction relief. We denied certiorari. 513 U. S. 848 (1994).

On May 12, 1995, respondent filed a motion for the appointment of federal habeas counsel and an application for a stay of execution in the United States District Court

for the Eastern District of California. The District Court promptly issued a 45-day stay of execution. On June 26, 1995, the District Court appointed counsel and extended the stay of execution for another 120 days. On August 1, 1995, the State filed a motion to vacate the stay, in part because respondent had failed to file a "specification of nonfrivolous issues," as required by local court rules. Brief for Respondent 2. Respondent cured that defect, and, on October 13, 1995, the District Court denied the State's motion and ordered that the habeas petition be filed within nine months. Respondent filed his application for habeas relief on July 2, 1996.

Although respondent's habeas application was filed *after* AEDPA's effective date, the District Court, following Circuit precedent, concluded that the application was not subject to AEDPA. See App. to Pet. for Cert. 31–32 (citing *Lindh*, *supra; Calderon* v. *United States Dist. Ct. for the Central Dist. of Cal.,* 163 F. 3d 530, 540 (CA9 1998) (en banc), cert. denied, 526 U. S. 1060 (1999)). On the merits, however, the District Court ruled that respondent was not entitled to habeas relief. The Court of Appeals for the Ninth Circuit reversed. Like the District Court, the Ninth Circuit concluded AEDPA does not apply to respondent's application. 275 F. 3d 769, 772, n. 1 (2001). Unlike the District Court, however, the Ninth Circuit granted habeas relief for reasons that are not relevant to our discussion here. *Id.*, at 777–778. We granted certiorari. 536 U. S. 990 (2001).

II

As already noted, we held in *Lindh* that the new provisions of chapter 153 of Title 28 do not apply to cases pending as of the date AEDPA became effective. *Lindh*, however, had no occasion to elaborate on the precise time when a case becomes "pending" for purposes of chapter 153 because in that case petitioner's habeas application

had been filed prior to AEDPA's effective date. See *Lindh*, *supra*, at 323 (noting that petitioner filed his federal habeas application on July 9, 1992). Since *Lindh*, the Courts of Appeals have divided on the question whether AEDPA applies to a habeas application filed *after* AEDPA's effective date if the applicant sought the appointment of counsel or a stay of execution (or both) prior to that date. Five Courts of Appeals have ruled that AEDPA applies, see, *e.g.*, *Isaacs* v. *Head*, 300 F. 3d 1232, 1245–1246 (CA11 2002); *Moore* v. *Gibson,* 195 F. 3d 1152, 1160–1163 (CA10 1999); *Gosier* v. *Welborn,* 175 F. 3d 504, 506 (CA7 1999); *Williams* v. *Coyle,* 167 F. 3d 1036, 1037–1040 (CA6 1999); *Williams* v. *Cain,* 125 F. 3d 269, 273–274 (CA5 1997), while the Court of Appeals for the Ninth Circuit has held it does not, *Calderon, supra*, at 539–540. For the reasons stated below, we agree with the majority of the Courts of Appeals.

Congress enacted AEDPA to reduce delays in the execution of state and federal criminal sentences, particularly in capital cases, see *Williams* v. *Taylor,* 529 U. S. 362, 386 (2000) (opinion of STEVENS, J.) ("Congress wished to curb delays, to prevent 'retrials' on federal habeas, and to give effect to state convictions to the extent possible under law"); see also *id.*, at 404 (majority opinion), and "to further the principles of comity, finality, and federalism," *Williams* v. *Taylor,* 529 U. S. 420, 436 (2000). One of the methods Congress used to advance these objectives was the adoption of an amended 28 U. S. C. §2254(d). *Williams,* 529 U. S., at 404 ("It cannot be disputed that Congress viewed §2254(d)(1) as an important means by which its goals for habeas reform would be achieved"). As we have explained before, §2254(d) places "new constraint[s] on the power of a federal habeas court to grant a state prisoner's application for a writ of habeas corpus with respect to claims adjudicated on the merits in state court." *Id.*, at 412. Our cases make clear that AEDPA in general and

§2254(d) in particular focus in large measure on revising the standards used for evaluating the merits of a habeas application. See *id.*, at 412–413; *Lindh*, 521 U. S., at 329 (noting that "amended §2254(d) . . . governs standards affecting entitlement to relief"); see also *Early* v. *Packer,* 537 U. S. ___ (2002) *(per curiam)* (applying AEDPA's standards); *Woodford* v. *Visciotti,* 537 U. S. ___ (2002) *(per curiam)* (same).

Because of AEDPA's heavy emphasis on the standards governing the review of the *merits* of a habeas application, we interpret the rule announced in *Lindh* in view of that emphasis, as have the majority of the Courts of Appeals. See, *e.g.*, *Holman* v. *Gilmore*, 126 F. 3d 876, 880 (CA7 1997) ("[T]he motion for counsel is not itself a petition, because it does not call for (or even permit) a decision on the merits. And it is 'the merits' that the amended §2254(d)(1) is all about"); *Isaacs*, *supra*, at 1245 (same); *Coyle, supra*, at 1040 (same). Thus, whether AEDPA applies to a state prisoner turns on what was before a federal court on the date AEDPA became effective. If, on that date, the state prisoner had before a federal court an application for habeas relief seeking an adjudication on the *merits* of the petitioner's claims, then amended §2254(d) does not apply. Otherwise, an application filed after AEDPA's effective date should be reviewed under AEDPA, even if other filings by that same applicant—such as, for example, a request for the appointment of counsel or a motion for a stay of execution—were presented to a federal court prior to AEDPA's effective date.

A review of the amended chapter 153 supports our conclusion. For instance, §2254(e)(1) provides that, "[i]n a proceeding *instituted by an application for a writ of habeas corpus* by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct." (Emphasis added.) Under the Ninth Circuit's view, the presumption

established in §2254(e)(1) would rarely apply in a capital case. If, as the Ninth Circuit held, a capital habeas case can be commenced (and, therefore, may become pending for purposes of *Lindh*) with the filing of a request for the appointment of counsel or a motion for a stay, then §2254(e)(1), which by its terms applies only to a proceeding "instituted" by "an *application* for a writ of habeas corpus," would not apply to any capital prisoners whose first filing in federal court is a request for the appointment of counsel or a motion for a stay. This would make §2254(e)(1) applicable only to those capital prisoners who did not need counsel and did not seek a stay. AEDPA's text, however, contains no indication that §2254(e)(1) was intended to have such a limited scope. Nor is it reasonable to believe that Congress meant for a capital prisoner to avoid the application of the stringent requirements of §2254(e)(1) simply by filing a request for counsel or a motion for a stay before filing an actual application for habeas relief. Other provisions of chapter 153 likewise support our view. See, *e.g.*, 28 U. S. C. §2241(d) (indicating that the power to grant a writ is not triggered except by "application for a writ of habeas corpus"); §2244(a) (providing that federal judges are not required to "entertain" a second or successive "application for a writ of habeas corpus" except as provided for by statute).

Finally, our conclusion is reinforced by the procedural rules governing §2254 cases. Federal Rule of Civil Procedure 3 explains that "[a] civil action is commenced by filing a complaint." The Federal Rules of Civil Procedure apply in the context of habeas suits to the extent that they are not inconsistent with the Habeas Corpus Rules. See 28 U. S. C. §2254 Rule 11; Fed. Rule Civ. Proc. 81(a)(2); *Pitchess* v. *Davis,* 421 U. S. 482, 489 (1975) *(per curiam).* Nothing in the Habeas Corpus Rules contradicts Rule 3. The logical conclusion, therefore, is that a habeas suit begins with the filing of an application for habeas corpus

relief—the equivalent of a complaint in an ordinary civil case.

III

Respondent asks us to determine the scope of the rule announced in *Lindh* by looking at some of the provisions of chapter 154 of Title 28. But our task in this case is to apply *Lindh* to an action under chapter 153; thus, the precise phrasing of provisions in chapter 154 is inapposite to our inquiry here.

Moreover, respondent's argument that our holding in *McFarland* v. *Scott,* 512 U. S. 849 (1994), should inform our decision here is unpersuasive. To begin with, *McFarland* involved the interpretation of §2251, not §2254, which is at issue here. And, as the Courts of Appeals have recognized, see *Isaacs,* 300 F. 3d, at 1242–1246 (collecting and discussing authorities), the Court's ruling in *McFarland* must be understood in light of the Court's concern to protect the right to counsel contained in 18 U. S. C. §848(q)(4)(B). *McFarland,* 512 U. S., at 855 ("This interpretation is the only one that gives meaning to the statute as a practical matter"); *id.*, at 856 ("Requiring an indigent capital petitioner to proceed without counsel in order to obtain counsel thus would expose him to the substantial risk that his habeas claims never would be heard on the merits. Congress legislated against this legal backdrop in adopting §848(q)(4)(B), and we safely assume that it did not intend for the express requirement of counsel to be defeated in this manner"); *id.*, at 857 ("Even if the District Court had granted McFarland's motion for appointment of counsel and had found an attorney to represent him, this appointment would have been meaningless unless McFarland's execution also was stayed"). Thus, *McFarland* cannot carry the day for respondent.

Similarly, the Ninth Circuit's and respondent's reliance on *Hohn* v. *United States,* 524 U. S. 236 (1998), is mis-

placed. In *Hohn*, we considered whether this Court has jurisdiction to review a court of appeals' denial of a certificate of appealability (COA). To answer that question we focused on the text of 28 U. S. C. §1254, which "confines our jurisdiction to '[c]ases in' the courts of appeals." *Hohn*, *supra*, at 241 (citing *Nixon* v. *Fitzgerald,* 457 U. S. 731, 741–742 (1982)). Although we concluded that an application for a COA constituted a case within the meaning of §1254, we did not provide an all-purpose definition of the term "case." Thus, while *Hohn* might support an argument that respondent's request for appointment of counsel and his motion for a stay of execution began a "case" that could be reviewed on appeal, see, *e.g.*, *Gosier,* 175 F. 3d, at 506 ("[A] request for counsel is a 'case' in the sense that it is subject to appellate review (and, if need be, review by the Supreme Court)"), it says nothing about whether a request for counsel or motion for a stay suffices to create a "case" that is "pending" within the meaning of the *Lindh* rule.

* * *

In sum, we hold that, for purposes of applying the rule announced in *Lindh*, a case does not become "pending" until an actual application for habeas corpus relief is filed in federal court. Because respondent's federal habeas corpus application was not filed until after AEDPA's effective date, that application is subject to AEDPA's amendments.[1] Accordingly, we reverse the judgment of the

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[1] JUSTICE O'CONNOR contends that we may have misapplied our test because a filing labeled "Specification of Non-Frivolous Issues" placed the *merits* of respondent's claims before the District Court before AEDPA's effective date. *Post*, at 1 (opinion concurring in judgment). That is simply not so. Respondent's "Specification of Non-Frivolous Issues" plainly stated that "[b]ased on a preliminary review of case materials, counsel believes the following federal constitutional issues exist in this case and are among the issues that *may* be raised on [Garceau's] behalf in a petition for habeas corpus." App. to Brief in

Court of Appeals and remand the case for further proceedings consistent with this opinion.[2]

It is so ordered.

Opposition 227 (emphasis added). The clear import of this language is that the filing itself did not seek any relief on the merits or place the merits of respondent's claims before the District Court for decision. Rather, the document simply alerted the District Court as to some of the possible claims that might be raised by respondent in the future. Indeed, the habeas corpus application respondent eventually filed contained numerous issues that were not mentioned in the "Specification of Non-Frivolous Issues."

[2] In view of the question on which we granted certiorari, we decline petitioner's request to rule on the merits of respondent's habeas application.