

Syllabus

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

Syllabus

DANIELS *v.* UNITED STATESCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 99–9136. Argued January 8, 2001— Decided April 25, 2001

Petitioner was convicted of being a felon in possession of a firearm in violation of 18 U. S. C. §922(g)(1), and his sentence was enhanced under the Armed Career Criminal Act of 1984 (ACCA), 18 U. S. C. §924(e), which imposes a mandatory minimum sentence on anyone who violates §922(g)(1) and has three previous convictions for, *inter alia*, a violent felony. Petitioner had four such prior state convictions. After an unsuccessful direct appeal, petitioner filed a motion to vacate, set aside, or correct his federal sentence pursuant to 28 U. S. C. §2255. He asserted that his sentence violated the Constitution because it was based in part on two prior convictions that were themselves unconstitutional. Both prior convictions, he claimed, were based on inadequate guilty pleas and one was the product of ineffective assistance of counsel. The District Court denied the motion, and the Ninth Circuit affirmed.

Held: The judgment is affirmed.

195 F. 3d 501, affirmed.

JUSTICE O'CONNOR delivered the opinion of the Court in part, concluding that petitioner, having failed to pursue remedies that were otherwise available to him to challenge his prior convictions while he was in custody on those convictions, may not now use a §2255 motion directed at his federal sentence to collaterally attack those convictions. Pp. 3–9, 10.

(a) In *Custis v. United States*, 511 U. S. 485, 490–497, this Court held that with the sole exception of convictions obtained in violation of the right to counsel, a defendant has no right under the ACCA or the Constitution to collaterally attack prior convictions at his federal sentencing proceeding. The considerations supporting that conclu-

Syllabus

sion— ease of administration and the interest in promoting the finality of judgments— are also present in the §2255 context. A district court evaluating a §2255 motion is as unlikely as a district court engaged in sentencing to have the documents necessary to evaluate claims arising from long-past proceedings in a different jurisdiction. Moreover, States retain a strong interest in preserving convictions they have obtained, as they impose a wide range of disabilities on those who have been convicted, even after their release. Pp. 3–5.

(b) Although defendants may challenge their convictions for constitutional infirmity, it does not necessarily follow that a §2255 motion is an appropriate vehicle for determining whether a conviction later used to enhance a federal sentence was unconstitutionally obtained. A defendant convicted in state court has numerous opportunities to challenge the constitutionality of that conviction, but those vehicles for review are not available indefinitely and without limitation. Procedural barriers limit access to review on the merits of constitutional claims, vindicating the presumption of regularity that attaches to final judgments, even when the question is waiver of constitutional rights. *Parke v. Raley*, 506 U. S. 20, 29. Thus, if, by the time of sentencing under the ACCA, a prior conviction has not been set aside on direct or collateral review, it is presumptively valid and may be used to enhance the federal sentence, with the exception of convictions obtained in violation of the right to counsel. *Custis, supra*, at 496–497. After an enhanced federal sentence has been imposed under the ACCA, the person sentenced may pursue any channels of direct or collateral review still available to challenge his prior conviction. If, however, a prior conviction used to enhance a federal sentence is no longer open to attack in its own right because the defendant failed to pursue those remedies while they were available (or because he did so unsuccessfully), then he is without recourse. The defendant may not collaterally attack his prior conviction through a motion under §2255, unless he claims that conviction was obtained in violation of the right to counsel and he raised that claim at his federal sentencing proceeding. A contrary rule would effectively permit challenges far too stale to be brought in their own right, and sanction an end run around statutes of limitation and other procedural barriers that would preclude the movant from attacking the prior conviction directly. Nothing in the Constitution or this Court’s precedent requires such a result. Pp. 6–9.

O’CONNOR, J., delivered the opinion of the Court in part, in which REHNQUIST, C. J., and KENNEDY and THOMAS, JJ., joined, and in which SCALIA, J., joined, except for that portion of the opinion recognizing that §2255 may be available in rare circumstances. SCALIA, J., filed an

Syllabus

opinion concurring in part. SOUTER, J., filed a dissenting opinion, in which STEVENS and GINSBURG, JJ., joined. BREYER, J., filed a dissenting opinion.