

**20-1009 SHINN V. RAMIREZ**

DECISION BELOW: 937 F.3d 1230

LOWER COURT CASE NUMBER: 10-99023

QUESTION PRESENTED:

The Antiterrorism and Effective Death Penalty Act (AEDPA), 28 U.S.C. § 2254(e)(2), precludes a federal court from considering evidence outside the state-court record when reviewing the merits of a claim for habeas relief if a prisoner or his attorney has failed to diligently develop the claim's factual basis in state court, subject to only two statutory exceptions not applicable here. In the cases below, the Ninth Circuit concluded that AEDPA's bar on evidentiary development does not apply to a federal court's merits review of a claim when a court excuses that claim's procedural default under *Martinez v. Ryan*, 566 U.S. 1 (2012), because the default was caused by post-conviction counsel's negligence. The question presented, which drew an eight-judge dissent from the denial of en banc rehearing in each case, is:

Does application of the equitable rule this Court announced in *Martinez v. Ryan* render 28 U.S.C. § 2254(e)(2) inapplicable to a federal court's merits review of a claim for habeas relief?

CERT. GRANTED 5/17/2021