

03-9627 PACE V. DIGUGLIELMO, SUPT., GRATERFORD

Decision Below: 2003 WL 2174982 (3rd Cir. 2003)

QUESTIONS PRESENTED

1. Should this Court grant the writ to resolve a conflict between the Courts of Appeal regarding an important question that this Court explicitly reserved in Artuz v. Bennett, 531 U.S. 4 (2000) - whether an untimely state post-conviction petition may be "properly filed" under § 2244(d)(2)?
2. Should this Court grant the writ to resolve a conflict between the Courts of Appeal regarding whether Carey v. Saffold, 536 U.S. 214 (2002) answered the question about "properly filed" that Artuz reserved?
3. Should this Court grant the writ to answer the question about "properly filed" which was reserved by Artuz and which the Third Circuit decided erroneously?
4. Should this Court grant the writ and review the Third Circuit's denial of equitable tolling, where the Third Circuit denies all federal habeas review to petitioners who act appropriately, reasonably and diligently, and as demanded by the exhaustion requirement, in seeking state court remedies?

Cert. Granted 9/28/04