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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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HOLLAND *v.* FLORIDA

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

No. 09–5327. Argued March 1, 2010—Decided June 14, 2010

Petitioner Holland was convicted of first-degree murder and sentenced to death in Florida state court. After the State Supreme Court affirmed on direct appeal and denied collateral relief, Holland filed a *pro se* federal habeas corpus petition, which was approximately five weeks late under the 1-year statute of limitations set forth in the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 28 U. S. C. §2244(d). The record facts reveal, *inter alia,* that Holland's court-appointed attorney, Bradley Collins, had failed to file a timely federal petition, despite Holland's many letters emphasizing the importance of doing so; that Collins apparently did not do the research necessary to find out the proper filing date, despite the fact that Holland had identified the applicable legal rules for him; that Collins failed to inform Holland in a timely manner that the State Supreme Court had decided his case, despite Holland's many pleas for that information; and that Collins failed to communicate with Holland over a period of years, despite Holland's pleas for responses to his letters. Meanwhile, Holland repeatedly requested that the state courts and the Florida bar remove Collins from his case. Based on these and other record facts, Holland asked the Federal District Court to toll the AEDPA limitations period for equitable reasons. It refused, holding that he had not demonstrated the due diligence necessary to invoke equitable tolling. Affirming, the Eleventh Circuit held that, regardless of diligence, Holland's case did not constitute "extraordinary circumstances." Specifically, it held that when a petitioner seeks to excuse a late filing based on his attorney's unprofessional conduct, that conduct, even if grossly negligent, cannot justify equitable tolling absent proof of bad faith, dishonesty, divided loyalty, mental impairment, or the like.

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Held:

1. Section 2244(d), the AEDPA statute of limitations, is subject to equitable tolling in appropriate cases. Pp. 12–21.

(a) Several considerations support the Court's holding. First, because AEDPA's "statute of limitations defense . . . is not 'jurisdictional,' " *Day* v. *McDonough*, 547 U. S. 198, 205, 213, it is subject to a "rebuttable presumption" in *favor* "of equitable tolling," *Irwin* v. *Department of Veterans Affairs*, 498 U. S. 89, 95–96. That presumption's strength is reinforced here by the fact that "equitable principles" have traditionally "governed" substantive habeas law. *Munaf* v. *Geren*, 553 U. S. 674, ___, and the fact that Congress enacted AEDPA after *Irwin* and therefore was likely aware that courts, when interpreting AEDPA's timing provisions, would apply the presumption, see, *e.g., Merck & Co.* v. *Reynolds*, 559 U. S. ___, ___. Second, §2244(d) differs significantly from the statutes at issue in *United States* v. *Brockamp*, 519 U. S. 347, 350–352, and *United States* v. *Beggerly*, 524 U. S. 38, 49, in which the Court held that *Irwin*'s presumption had been overcome. For example, unlike the subject matters at issue in those cases—tax collection and land claims—AEDPA's subject matter, habeas corpus, pertains to an area of the law where equity finds a comfortable home. See *Munaf, supra,* at ___. *Brockamp, supra,* at 352, distinguished. Moreover, AEDPA's limitations period is neither unusually generous nor unusually complex. Finally, the Court disagrees with respondent's argument that equitable tolling undermines AEDPA's basic purpose of eliminating delays in the federal habeas review process, see, *e.g., Day, supra,* at 205–206. AEDPA seeks to do so without undermining basic habeas corpus principles and by harmonizing the statute with prior law, under which a petition's timeliness was always determined under equitable principles. See, *e.g., Slack* v. *McDaniel,* 529 U. S. 473, 483. Such harmonization, along with the Great Writ's importance as the only writ explicitly protected by the Constitution, counsels hesitancy before interpreting AEDPA's silence on equitable tolling as congressional intent to close courthouse doors that a strong equitable claim would keep open. Pp. 12–16.

(b) The Eleventh Circuit's *per se* standard is too rigid. A "petitioner" is "entitled to equitable tolling" if he shows "(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way" and prevented timely filing. *Pace* v. *DiGuglielmo*, 544 U. S. 408, 418. Such "extraordinary circumstances" are not limited to those that satisfy the Eleventh Circuit's test. Courts must often "exercise [their] equity powers . . . on a case-by-case basis," *Baggett* v. *Bullitt*, 377 U. S. 360, 375, demonstrating "flexibility" and avoiding "mechanical rules," *Holmberg* v. *Armbrecht*,

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327 U. S. 392, 396, in order to "relieve hardships . . . aris[ing] from a hard and fast adherence" to more absolute legal rules, *Hazel-Atlas Glass Co.* v. *Hartford-Empire Co.*, 322 U. S. 238, 248. The Court's cases recognize that equity courts can and do draw upon decisions made in other similar cases for guidance, exercising judgment in light of precedent, but with awareness of the fact that specific circumstances, often hard to predict, could warrant special treatment in an appropriate case. *Coleman* v. *Thompson*, 501 U. S. 722, 753, distinguished. No pre-existing rule of law or precedent demands the Eleventh Circuit's rule. That rule is difficult to reconcile with more general equitable principles in that it fails to recognize that, at least sometimes, an attorney's unprofessional conduct can be so egregious as to create an extraordinary circumstance warranting equitable tolling, as several other federal courts have specifically held. Although equitable tolling is not warranted for "a garden variety claim of excusable neglect," *Irwin, supra,* at 96, this case presents far more serious instances of attorney misconduct than that. Pp. 16–19.

2. While the record facts suggest that this case may well present "extraordinary" circumstances, the Court does not state its conclusion absolutely because more proceedings may be necessary. The District Court incorrectly rested its ruling not on a lack of such circumstances, but on a lack of diligence. Here, Holland diligently pursued his rights by writing Collins numerous letters seeking crucial information and providing direction, by repeatedly requesting that Collins be removed from his case, and by filing his own *pro se* habeas petition on the day he learned his AEDPA filing period had expired. Because the District Court erroneously concluded that Holland was not diligent, and because the Court of Appeals erroneously relied on an overly rigid *per se* approach, no lower court has yet considered whether the facts of this case indeed constitute extraordinary circumstances sufficient to warrant equitable tolling. The Eleventh Circuit may determine on remand whether such tolling is appropriate, or whether an evidentiary hearing and other proceedings might indicate that the State should prevail. Pp. 19–21.

539 F. 3d 1334, reversed and remanded.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and STEVENS, KENNEDY, GINSBURG, and SOTOMAYOR, JJ., joined. ALITO, J., filed an opinion concurring in part and concurring in the judgment. SCALIA, J., filed a dissenting opinion, in which THOMAS, J., joined as to all but Part I.