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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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WALKER, WARDEN, ET AL. *v.* MARTINCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 09–996. Argued November 29, 2010—Decided February 23, 2011

While most States set determinate time limits for collateral relief applications, California courts “appl[y] a general ‘reasonableness’ standard” to judge whether a habeas petition is timely filed, *Carey v. Saffold*, 536 U. S. 214, 222. Under that standard, “a [habeas] petition should be filed as promptly as the circumstances allow . . .,” *In re Clark*, 5 Cal. 4th 750, 765, n. 5, 855 P. 2d 729, 738, n. 5. Three decisions, *Clark*, *In re Robbins*, 18 Cal. 4th 770, 959 P. 2d 311, and *In re Gallego*, 18 Cal. 4th 825, 959 P. 2d 290, describe California’s timeliness requirement. A prisoner must seek habeas relief without “substantial delay,” *e.g.*, *Robbins*, 18 Cal. 4th, at 780, 959 P. 3d, at 317, as “measured from the time the petitioner or counsel knew, or reasonably should have known, of the information offered in support of the claim and the legal basis of the claim,” *id.*, at 787, 959 P. 2d, at 322. All California courts have “original jurisdiction in habeas corpus proceedings.” Cal. Const., Art. VI, §10. Because a habeas petitioner may skip over the lower courts and file directly in the California Supreme Court, that court rules on a staggering number of habeas petitions each year. A summary denial citing *Clark* and *Robbins* means that the petition is rejected as untimely. California courts, however, have discretion to bypass a timeliness issue and, instead, summarily reject the petition for want of merit.

Respondent Martin was convicted of murder and robbery, and was sentenced to life in prison without parole. After the California Supreme Court denied Martin’s first state habeas petition, he filed a federal habeas petition. The District Court ordered a stay to permit Martin to return to state court to raise ineffective-assistance-of-counsel claims he had not previously aired. Martin raised those claims in his second habeas petition in the California Supreme Court,

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but gave no reason for his failure to assert the additional claims until nearly five years after his sentence and conviction became final. The California Supreme Court denied the petition, citing *Clark* and *Robbins*. Having exhausted his state-court remedies, Martin filed an amended federal habeas petition. The District Court dismissed his belatedly asserted claims as untimely under California law. The Ninth Circuit vacated that order and directed the District Court to determine the “adequacy” of the State’s time bar. Again rejecting Martin’s petition, the District Court found California’s bar an adequate state ground for denying Martin’s new pleas. Concluding that the time bar was not firmly defined or consistently applied, the Ninth Circuit remanded for a determination of the merits of Martin’s claims.

Held: California’s timeliness requirement qualifies as an independent state ground adequate to bar habeas corpus relief in federal court. Pp. 7–13.

(a) Absent showings of “cause” and “prejudice,” see *Wainwright v. Sykes*, 433 U. S. 72, 84–85, federal habeas relief will be unavailable when (1) “a state court [has] declined to address a prisoner’s federal claims because the prisoner had failed to meet a state procedural requirement,” and (2) “the state judgment rests on independent and adequate state procedural grounds,” *Coleman v. Thompson*, 501 U. S. 722, 729–730. P. 7.

(b) A “rule can be ‘firmly established’ and ‘regularly followed,’” and therefore adequate, “even if the appropriate exercise of discretion may permit consideration of a federal claim in some cases but not others.” *Beard v. Kindler*, 558 U. S. ___, ___. California’s time rule, although discretionary, meets this “firmly established” criterion. The California Supreme Court framed the requirement in a trilogy of cases, instructing habeas petitioners to “alleg[e] with specificity” the absence of substantial delay, good cause for delay, or eligibility for one of four exceptions to the time bar. *Gallego*, 18 Cal. 4th, at 838, 959 P. 2d, at 299. And California’s case law made it plain that Martin’s nearly five-year delay was “substantial.” See, e.g., *id.*, at 829–831, 838, and n. 13, 959 P. 2d, at 293–294, 299, and n. 13. The Court finds unpersuasive Martin’s argument that the terms “reasonable time” period and “substantial delay” make California’s rule too vague to be regarded as “firmly established.” While indeterminate language is typical of discretionary rules, application of those rules in particular circumstances can supply the requisite clarity. Congressional statutes and this Court’s decisions have employed time limitations that are not stated in precise, numerical terms. For example, current federal habeas prescriptions limit the time for filing a petition to one year. The clock runs from “the date on which the [supporting] facts

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... could have been discovered through ... due diligence.” 28 U. S. C. §2255(f)(4). Although “‘due diligence’ is an inexact measure of how much delay is too much,” *Johnson v. United States*, 544 U. S. 295, 309, n. 7, “use of an imprecise standard is no justification for depriving [a rule’s] language of any meaning,” *ibid.* Nor is California’s time rule vulnerable on the ground that it is not regularly followed. Each year, the California State Supreme Court summarily denies hundreds of habeas petitions by citing *Clark* and *Robbins*. Contrary to Martin’s argument, California’s time bar is not infirm simply because a court may opt to bypass the *Clark/Robbins* assessment and summarily dismiss a petition on the merits, if that is the easier path. Nor should a discretionary rule be disregarded automatically upon a showing that outcomes under the rule vary from case to case. Discretion enables a court to home in on case-specific considerations and to avoid the harsh results that may attend consistent application of an unyielding rule. A state ground may be found inadequate when a court has exercised its discretion in a surprising or unfair manner, but Martin makes no such contention here. Pp. 7–12.

(c) This decision leaves unaltered the Court’s repeated recognition that federal courts must carefully examine state procedural requirements to ensure that they do not operate to discriminate against claims of federal rights. See, e.g., *Brown v. Western R. Co. of Ala.*, 338 U. S. 294, 298–299. On the record here, however, there is no basis for concluding that California’s rule operates in such a discriminatory manner. P. 13.

357 Fed. Appx. 793, reversed.

GINSBURG, J., delivered the opinion for a unanimous Court.