SUPREME COURT OF THE UNITED STATES

No. 93–5418

ORRIN S. REED, PETITIONER *v.* ROBERT FARLEY, SUPERINTENDENT, INDIANA STATE PRISON, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

[June 20, 1994]

JUSTICE BLACKMUN, with whom JUSTICE STEVENS, JUSTICE KENNEDY, and JUSTICE SOUTER join, dissenting.

The federal habeas corpus statute allows a state prisoner to challenge his conviction on the ground that he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U. S. C. §2254(a). The Court acknowledges, as it must, that the Interstate Agreement on Detainers (IAD) is a "la[w] . . . of the United States" under this statute. See *Carchman* v. *Nash*, 473 U. S. 716, 719 (1985); *Cuyler* v. *Adams*, 449 U. S. 433, 438–442 (1981). In addition, respondent concedes that a defendant tried in clear violation of the IAD's 120–day limit would be held in custody in violation of a law of the United States. Tr. of Oral Arg. 37. Nevertheless, the Court appears to conclude that a violation of the IAD is simply not serious enough to warrant collateral relief, at least where the defendant fails to invoke his IAD rights according to the precise rules the Court announces for the first time today.

The Court purports to resolve this case by relying on "precedent already in place," *ante*, at 8, referring to "principles and precedent generally controlling the availability of the great writ," *ante*, at 12. Our precedent, on its face, does not reach nearly so far, and its extension to this case is unwarranted under general habeas corpus principles. Most seriously, the Court disregards Congress' unambiguous judgment about the severity of, and the necessary remedy for, a

violation of the IAD time limits. I respectfully dissent.

The Court purports to resolve this issue by relying on the *Hill–Timmreck* line of cases. See *Hill* v. *United States*, 368 U. S. 424 (1962); *Davis* v. *United States*, 417 U. S. 333 (1974); *United States* v. *Timmreck*, 441 U. S. 780 (1979); see also *Sunal* v. *Large*, 332 U. S. 174 (1947); *United States* v. *Frady*, 456 U. S. 152 (1982). Despite the professed narrowness of the Court's ultimate holding, however, its decision reflects certain assumptions about the nature of habeas review of state court judgments that do not withstand close analysis. Each of the cases relied on by the majority—*Hill*, *Timmreck*, and *Davis*—concerned a *federal* prisoner's request under 28 U. S. C. § 2255 for collateral relief from alleged defects in his federal trial. Before today, this Court never had applied those precedents to bar review of a §2254 petition.[1] It does so now without a full discussion of, or appreciation for, the different policy concerns that should shape the exercise of federal courts' discretion in §2254 cases.

While there are stray remarks in our opinions suggesting that this Court has treated §§2254 and 2255 as equivalents,[2] there are other indications to

[1]The majority notes, *ante*, at 14, that the Court cited *Hill* in *Stone* v. *Powell*, 428 U. S. 465, 477, n. 10 (1976), a §2254 case. The decision in that case, however, rested not on *Hill*, but on considerations unique to the exclusionary rule.

[2]The Court relies, for instance, on the remark in *Davis* that "§2255 was intended to mirror §2254 in operative effect." *Ante*, at 14, quoting *Davis*, 417 U. S., at 343. That statement, however, did no more than parry the suggestion that federal prisoners, unlike state prisoners, were restricted to bringing claims "of constitutional

the contrary, see, *e.g.*, *Withrow* v. *Williams*, 507 U. S. ___, ___ (1993) (SCALIA, J., concurring in part and dissenting in part). In any event, there are sound reasons to refrain from treating the two as identical. Primary among them is the importance under §2254 of providing a federal forum for review of state prisoners' federal claims, not only in order to ensure the enforcement of federal rights, but also to promote uniformity in the state courts' interpretation and application of federal law.[3]

We recognized in *United States* v. *Frady*, 456 U. S. 152, 166 (1982), that the "federal prisoner . . . , unlike his state counterparts, has already had an opportunity to present his federal claims in federal trial and appellate forums." For the federal prisoner claiming statutory violations, habeas courts serve less to guarantee uniformity of federal law or to

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dimension," and not those grounded in statutes. *Ibid.* The *Davis* Court was addressing only the threshold statutory basis for relief—specifically whether relief was available to federal prisoners for violations of "laws" of the United States. It said nothing about the equitable considerations that might guide the Court's exercise of its discretion to grant or deny relief. In other words, *Davis* concerned jurisdictional, not prudential, limits on habeas review. See *Withrow* v. *Williams*, 507 U. S. ___, ___ (1993) (SCALIA, J., concurring in part and dissenting in part) (the "sweeping" breadth of habeas jurisdiction is "tempered by the restraints that accompany the exercise of equitable discretion").

[3]As a practical matter, this Court's direct review of state court decisions cannot adequately ensure uniformity. See *Withrow* v. *Williams*, 507 U. S., at ___, n. 1 (SCALIA, J., concurring in part and dissenting in part) ("Of course a federal forum is theoretically available in this Court, by writ of certiorari. Quite obviously, however, this mode of review cannot be generally applied due to practical limitations") (citation omitted).

satisfy a threshold need for a federal forum than to provide a backstop to catch and correct certain nonconstitutional errors that evaded the trial and appellate courts.[4] Thus, this Court has determined that "where the trial or appellate court has had a `say' on a federal prisoner's claim, it may be open to the §2255 court to determine that . . . `the prisoner is entitled to no relief.'" *Kaufman* v. *United States*, 394 U. S. 217, 227, n. 8 (1969) (citation omitted). Under *Hill* and *Timmreck*, relief may be limited to the correction of "fundamental defects" or "omission[s] inconsistent with the rudimentary demands of fair procedure." *Hill*, 368 U. S., at 428. The *Hill* principle, in short, is that where the error is not egregious, the habeas court need not cover the ground already covered by other federal courts.

For the state prisoner, by contrast, a primary purpose of §2254 is to provide a federal forum to review a state prisoner's claimed violations of federal law, claims that were, of necessity, addressed to the state courts. See *Brown* v. *Allen*, 344 U. S. 443, 508 (1953) (opinion of Frankfurter, J.) (§2254 collateral review is necessary to permit a federal court to have the "last say" with respect to questions of federal law); *Vasquez* v. *Hillery*, 474 U. S. 254 (1986) (requiring exhaustion of federal claims in state courts). Thus, §2254 motions anticipate that the federal court will undertake an independent review of the work of the state courts, even where the federal claim was fully and fairly litigated. *Wright* v. *West*, ___ U. S. ___ (1992) (O'CONNOR, J., concurring in judgment) (affirming that a state court's determination of federal law and of mixed questions

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[4]In fact, §2255 requires a prisoner to file his motion in the court that imposed his sentence, as a further step in his criminal case, not as a separate civil action. Advisory Comm'n Note, Rule 1 Governing Section 2255 Proceedings.

of federal law and fact are entitled to *de novo* review by federal habeas court).[5] Even if we recognize valid reasons for limiting this review to claims of serious or substantial error, where no federal court previously has addressed the §2254 petitioner's federal claims, there is less reason to sift these claims through so fine a screen as *Hill* and *Timmreck* provide.

Similarly, prudential justifications for *Hill*'s "fundamental error" standard may differ from state to federal proceedings. In a federal trial and appeal, virtually any procedural error, however minor, will violate a "law" of the United States. In this context, it is both impracticable and unnecessary to allow collateral review of all claims of error, particularly since the defendant has had the opportunity both to raise them in and to appeal them to a federal forum. It is hardly surprising, therefore, that the *Hill–Timmreck* screening device, which sorts the substantial errors from the mere technical violations,

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[5]JUSTICE SCALIA proposes to foreclose §2254 review of federal nonconstitutional claims where the state prisoner was afforded a full and fair opportunity to litigate those claims in state court. This proposal fails for obvious reasons. To hold that full and fair litigation in state courts is a substitute for a federal forum would be, to borrow a phrase, to "suc[k] the life out of [§2254]." See *ante*, at 3 (concurring opinion). At the heart of §2254 is federal court review of state court decisions on federal law. With one notable exception, see *Stone* v. *Powell*, 428 U. S. 465, 486–496 (1976), this Court uniformly has rejected a "full and fair opportunity to litigate" as a bar to §2254 review. See *Withrow* v. *Williams*, *supra*; *Kimmelman* v. *Morrison*, 477 U. S. 365 (1986); *Rose* v. *Mitchell*, 443 U. S. 545 (1979); *Jackson* v. *Virginia*, 443 U. S. 307 (1979); see also *Wright* v. *West*, 505 U. S. ___ (1992) (O'CONNOR, J., concurring in judgment) (disputing that a "full and fair hearing in the state courts" required deferential review in habeas).

was developed in §2255. A state trial, by contrast, implicates few federal laws outside the Constitution. On the extraordinary occasions when Congress does consider a federal law to be so important as to warrant its application in state proceedings, this alone counsels an approach other than *Hill–Timmreck* to determine whether a violation of that law warrants federal court review and enforcement.[6]

The difference in the roles that federal statutes play in state and federal criminal proceedings points to another danger attendant to the uncritical application of the *Hill* standard in §2254. *Hill* has been read to

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[6]There is an additional reason to question the application of the *Hill–Timmreck* "fundamental error" or "miscarriage of justice" standard to Reed's §2254 claim. In both *Hill* and *Timmreck*, a federal prisoner bypassed an available federal appeal, and this Court endorsed the rule of *Sunal* v. *Large*, 332 U. S. 174, 178 (1947), that collateral attack cannot "do service for an appeal." See *Hill*, 368 U. S., at 428–429 (finding "apposite" the reasoning in *Sunal*, 332 U. S., at 178, that "[w]ise judicial administration of the federal courts" counseled against permitting a collateral attack to supplant appeals); *Timmreck*, 441 U. S., at 784 (seeing "no basis here for allowing collateral attack `to do service for an appeal'") (quoting *Sunal*, 332 U. S., at 178); see also *Davis*, 368 U. S., at 428 (noting that Congress "`provided a regular, orderly method for correction'" of errors by "`granting an appeal to the Circuit Court of Appeals and vesting us with certiorari jurisdiction'" and that if defendants were permitted to bypass this orderly method, "`[e]rror which was not deemed sufficiently adequate to warrant an appeal would acquire new implications'") (quoting *Sunal*, at 181–182). Thus, this standard appears to have been based in part on principles of default. Our habeas jurisprudence subsequently has imposed a procedural default bar in §2254 cases, *Wainwright* v. *Sykes*, 433 U. S. 72, 84, 87 (1977), and that bar was not applied to Reed.

disfavor habeas review of federal statutory violations as a class. See, *e.g.*, concurring opinion, *ante*, at 1 (reading *Hill* for the proposition that "[m]ost statutory violations, . . . are simply not important enough to invoke the extraordinary habeas jurisdiction"). This distinction between statutory and constitutional violations, exaggerated even in the context of §2255,[7] has even less justification under §2254.

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[7]*Hill* and *Timmreck* can be read for the proposition that at least *some* nonconstitutional violations "are simply not important enough," to warrant habeas relief. In *Hill*, for example, a federal prisoner who did not appeal his conviction was not permitted to obtain collateral relief based on the sentencing court's "failure to comply with the formal requirements" of Fed. Rule Crim. Proc. 32(a), which commands that every defendant be allowed to make a statement before he is sentenced. 368 U. S., at 429. Similarly, in *Timmreck*, the Court held that a federal prisoner who did not appeal the validity of his guilty plea could not obtain collateral relief under §2255 for technical violation of Fed. Rule Crim. Proc. 11, which requires the court to ask a defendant represented by an attorney whether he wishes to say anything on his own behalf. 441 U. S., at 784.

These cases could also be read narrowly as relying on the habeas petitioner's default on direct review, see n. 6, *supra*, or as encompassing only violations of procedural rules. But even if read to establish a line between "important" and "merely technical" violations, this line is not identical to the line between statutory and constitutional violations. We made this point clear in *Davis* v. *United States*, 417 U. S. 333, 345–346 (1974): "[T]here is no support in the prior holdings of this Court for the proposition that a claim is not cognizable under §2255 merely because it is grounded in the `laws of the United States' rather than the Constitution. It is true, of course, that in *Sunal* v. *Large*, 332 U. S. 174 (1947), the Court held that the nonconstitutional claim in that case

The language of §2254 itself permits a state prisoner to seek relief for a violation "of the Constitution or laws or treaties of the United States." By its own terms, then, §2254 applies equally to claims of statutory or constitutional violations. When construing the similar language of 28 U. S. C. §1983, which permits civil actions against state actors for "deprivation of any rights, privileges, or immunities secured by the Constitution and laws" of the United States, we concluded that "the phrase `and laws,' as used in §1983, means what it says." *Maine* v. *Thiboutot*, 448 U. S. 1, 4 (1980) (refusing to construe "and laws" as limited to civil rights or equal protection laws); *Hague* v. *CIO*, 307 U. S. 496, 525–526 (1939) (§1983 "include[s] rights, privileges and immunities secured by the laws of the United States as well as by the Constitution"). Section 1983 was enacted contemporaneously with §2254, and it shares the common purpose of making the federal courts available for the uniform interpretation and enforcement of federal rights in state settings. There is no reason to read §1983 as placing statutes on a par with the Constitution, but to read §2254 as largely indifferent to violations of statutes.

Moreover, at least until today, this Court never had held that a properly preserved claim of a violation of

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could not be asserted to set aside a conviction on collateral attack. But *Sunal* was merely an example of `the general rule . . . that the writ of *habeas corpus* will not be allowed to do service for an appeal.' . . . Thus *Sunal* cannot be read to stand for the broad proposition that nonconstitutional claims can never be asserted in collateral attacks upon criminal convictions. Rather, the implication would seem to be that, absent the particular considerations regarded as dispositive in that case, the fact that a contention is grounded not in the Constitution, but in the `laws of the United States' would not preclude its assertion in a §2255 proceeding."

a federal statute should be treated differently in a §2254 proceeding from a claim of a violation of the Constitution. Nor is there any reason to do so. Congress' decision to apply a federal statute to state criminal proceedings, which ordinarily are the exclusive province of state legislatures, generally should be read to reflect the congressional determination that important national interests are at stake. Where Congress has made this determination, the federal courts should be open to ensure the uniform enforcement and interpretation of these interests.

It should be clear, then, that the distinction drawn in §2255 between fundamental errors and "omission[s] of the kind contemplated in *Hill*, *Timmreck*, or *Davis*," *ante*, at 9, simply does not support a distinction in §2254 between constitutional and statutory violations.

Even putting aside any misgivings about the general extension of *Hill* to §2254 proceedings, there is a specific, and I believe insurmountable, obstacle to applying this standard to violations of the IAD. In concluding that an "unwitting judicial slip of the kind here ranks with the nonconstitutional lapses we have held not cognizable," *ante*, at 10–11, in *Hill* and *Timmreck*, the majority overlooks Congress' own determination about the seriousness of such a "slip" and its consequences.

Congress spoke with unmistakable clarity when it prescribed both the time limits for trying a prisoner whose custody was obtained under the IAD and the remedy for a violation of those limits. Article IV(c) of the IAD provides that the trial of a transferred prisoner "shall be commenced within one hundred and twenty days" of his arrival in the receiving

jurisdiction.[8] The IAD is equally clear about the consequences of a failure to bring a defendant to trial within the prescribed time limits. Article V(c) states that

> "in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in article III or article IV hereof, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect."

Quite simply, Congress has determined that a receiving state must try the defendant within 120 days or not at all. This determination undermines the majority's approach for two reasons.

First, the congressional imposition of the drastic sanction of dismissal forecloses any argument that a violation of the IAD time limits is somehow a mere "technical" violation too trivial to warrant habeas review. The dismissal with prejudice of criminal charges is a remedy rarely seen in criminal law, even for constitutional violations. See, *e.g.*, *Barker* v.

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[8]This command is subject to only two qualifications. First, Article IV(c) itself provides that "for good cause shown, in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance." Second, Article VI(a) provides: "In determining the duration and expiration dates of the time periods provided in articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter." The majority relies on neither qualification, nor did the Indiana state courts.

Wingo, 407 U. S. 514 (1972) (violation of Sixth Amendment speedy trial right); *Oregon* v. *Kennedy*, 456 U. S. 667 (1982) (violation of Double Jeopardy Clause). In fact, there are countless constitutional violations for which habeas review is allowed, but dismissal is not required. However this Court might have assessed the "fundamentality" of a violation of the IAD time limits in the absence of this sanction, this congressional directive does not leave us free to determine that violating the IAD time limits is no more serious than failure to comply with the technical requirements of Fed. Rule Crim. Proc. 11, *Timmreck*, *supra*, or the formal requirements of Fed. Rule Crim. Proc. 32(a), *Hill*, 368 U. S., at 428.

Surely, a violation that Congress found troubling enough to warrant the severe remedy of dismissal cannot become trivial simply because the defendant did not utter what this Court later determines to be the magic words at the magic moment, particularly in the absence of any congressional requirement that the defendant either invoke his right to a timely trial or object to the setting of an untimely trial date. In the absence of any suggestion that Reed procedurally defaulted on his IAD claim so as to deprive him of relief on direct review, it is curious, to say the least, to deny habeas relief based largely on a sort of "quasi-default" standard. Such a two-tiered "default" standard is unwarranted, and to my knowledge, unprecedented.[9] Cf. *Davis* v. *United States*, 411 U. S. 233, 239, n. 6 (1973) (finding it "difficult to conceptualize the application of one waiver rule for purposes of federal appeal and another for purposes

[9]*Sunal*, *Hill* and *Timmreck*, in which the defendant took no appeal from a federal conviction, provide no support for this quasi-waiver standard. None of these cases presents a situation in which the defendant's conduct was sufficient to present and preserve an issue for appeal, but was found somehow wanting for habeas purposes.

of federal habeas corpus").

Second, Congress' clear mandate of the remedy of dismissal can be read to constrain this Court's equitable or supervisory powers to determine an appropriate remedy, either on direct review or on habeas.[10] Nothing in our case law even suggests that, where Congress has mandated a remedy for the violation of a federal law, a habeas court is free to cast about for a different remedy. The remedy prescribed by the statute must be the remedy that "law and justice require." 28 U. S. C. §2243. In other words, the prerogative writ of habeas corpus should be exercised in accord with an express legislative command. See IAD, Art. IX, §5 (directing "[a]ll courts . . . of the United States . . . to enforce the agreement on detainers and to cooperate . . . with all party States in enforcing the agreement and effectuating its purpose"). At the very least, the drastic remedy of dismissal saves the IAD from falling below the *Hill* fundamentality line.

In sum, under a faithful reading of the IAD, the state trial court was required to dismiss with prejudice all charges against Reed because his trial

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[10] *McCarthy* v. *United States*, 394 U. S. 459, 464, 468–472 (1969), and *Timmreck*, 441 U. S., at 784, are not to the contrary. In *McCarthy*, the Court looked to the language and purposes of Fed. Rule Crim. Proc. 11 and to the lower courts' varying responses to noncompliance before requiring, as an exercise of the Court's supervisory powers, relief for Rule 11 violations raised on direct review. In *Timmreck*, the Court denied relief on collateral review for a comparable Rule 11 violation, in part because, under *McCarthy*, the defendant could have challenged it on direct appeal, but did not. In these cases, of course, the remedy for a violation was left to the Court. In requiring relief on direct review, but not on habeas, the Court was at most differing with itself. It was not disregarding a congressional directive.

did not commence within 120 days of his transfer to Indiana state custody. Faced with the state courts' failure to impose this remedy, the federal habeas court should have done so.

A final word is in order about the Court's emphasis on Reed's conduct and its suggestion that relief might be in order if only Reed had objected at the "relevant" moments. Under one reading of the majority opinion, the Court concludes that Reed's failure to make oral objections at the pretrial hearings somehow mitigates the seriousness of the failure to bring him to trial within the IAD time limits. In other words, the majority suggests that it is the "unobjected-to" nature of the violation, concurring opinion, *ante*, at 2, that reduces it to the level of a *Hill–Timmreck* error, one with which the habeas court should not concern itself. But as already explained, the statute itself does not permit this Court to denigrate the significance of the violation.

It is also possible, however, to read the majority opinion as relying on a theory of waiver or procedural default. This theory is equally untenable, particularly when due consideration is given not only to the language of the IAD, but also to Reed's repeated attempts to invoke its protections. The IAD itself does not require dismissal for a violation of its 120–day limit only "upon motion of the defendant," much less "upon defendant's timely oral objection to the setting of the trial date." Instead, the statute unambiguously directs courts to dismiss charges when the time limits are breached. This arguably puts the responsibility on courts and states to police the applicable time limits. This is a reasonable choice for Congress to make. Judges and prosecutors are players who can be expected to know the IAD's straightforward requirements and to make a simple time calculation at the outset of the proceedings

against a transferred defendant.

Indeed, in this case, the trial court and prosecutor both had constructive notice of the IAD time limits. The Fulton County Circuit Court signed and certified that the request for temporary custody was transmitted "for action in accordance with its terms *and the provisions of the Agreement on Detainers*." App. 5–6 (emphasis added). The State's request stated: "I propose to bring this person to trial on this [information] within the time period specified in Article IV(c) of the [IAD]." *Id*., at 5.

Even assuming, however, that a defendant must invoke the IAD's time limits in order to obtain its protections, Reed clearly did so here. In *United States* v. *Mauro*, 436 U. S. 340 (1978), this Court agreed that the defendant's "failure to invoke the [IAD] *in specific terms* in his speedy trial motions before the District Court did not result in a waiver" of his claim that the government violated the IAD. *Id.*, at 364 (emphasis added). We concluded, instead, that the prosecution and the court were "on notice of the substance" of an inmate's IAD claims when he "persistently requested that he be given a speedy trial" and "sought dismissal of his indictment on the ground that the delay in bringing him to trial while the detainer was lodged against him was causing him to be denied certain privileges at the state prison." *Id.*, at 364, 365. Reed did no less.

On May 9, 1983, at his first appearance before the court, Reed, appearing without counsel, informed the court that he would be in a halfway house but for the detainer. App. 12. The court acknowledged that there is a "world of difference" between a halfway house and the Fulton County jail. *Id.*, at 14. The court later observed that Reed's incarceration rendered him incapable of preparing his defense. *Id.*, at 54.

At the June 27 pretrial conference, Reed asked the court if it would prefer future motions orally or in

writing. The court responded, "I want it in writing," and "I read better than I listen." *Id.*, at 39–40; see also *id.*, at 123 (noting preference for written motions). Conforming to this request, Reed filed a motion on July 26, requesting that "trial be held within the legal guidelines of the Agreement on Detainers." *Id.*, at 56. Clarifying his concerns, Reed complained that the State of Indiana was "forcing [him] to be tried beyond the limits as set forth in the Agreement on Detainer Act," and specifically "request[ed that] no extensions of time be granted beyond those guidelines." *Ibid.* This *pro se* motion was filed 31 days before the 120–day period expired.

Three days later, Reed filed a motion stating that there was "limited time left for trial within the laws." *Id.*, at 88. This *pro se* motion was filed 28 days before the IAD clock ran out. Finally, on August 10, he filed a motion for subpoenas that sought prompt relief because the "Detainer Act time limits" were "approaching." *Id.*, at 91. This *pro se* motion was filed 15 days before the 120–day IAD time limit expired.

Thus, after being instructed that the court wanted all motions in writing, Reed filed three timely written motions indicating his desire to be tried within the IAD time limits. The Supreme Court of Indiana concluded that Reed's July 26 motion constituted "a general demand that trial be held within the time limits of the IAD." 491 N. E. 2d 182, 185 (1993). Under *Mauro*, this was enough to put the court on notice of his demands. Even as an original matter, when a trial court instructs a *pro se* defendant to put his motions in writing, and the defendant does so, not once, but three times, it is wholly unwarranted then to penalize him for failing to object orally at what this Court later singles out as the magic moment.[11]

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[11]The Court, referring to the "clarity" of Reed's August 29 motion seeking discharge of the indictment, suggests that

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This should be a simple matter. Reed invoked, and the trial court denied, his right to be tried within the IAD's 120–day time limit. Section 2254 authorizes federal courts to grant for such a violation whatever relief law and justice require. The IAD requires dismissal of the indictment. Nothing in the IAD, in §2254, or in our precedent requires or even suggests that federal courts should refrain from entertaining a state prisoner's claims of a violation of the IAD. Accordingly, I respectfully dissent.

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he deliberately obscured his request until after the clock had run. *Ante*, at 4, 9. The Court fails to mention, however, that Reed prepared his earlier motions both without counsel and without adequate access to legal materials. It was only at the August 1 pretrial conference that the court ordered the sheriff to provide Reed with access to legal materials. App. 85. On August 9, Reed was given two law books, including one on Indiana criminal procedure, and thereafter his draftsmanship improved.