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 GINSBURG announced the judgment of the Court and delivered the opinion of the Court with respect to Parts I, III, and all but the final paragraph of Part IV, and an opinion with respect to Part II and the final paragraph of Part IV, in which THE CHIEF JUSTICE and JUSTICE O'CONNOR join.

The Interstate Agreement on Detainers (IAD), 18 U. S. C. App. §2, is a compact among 48 States, the District of Columbia, and the Federal Government. It enables a participating State to gain custody of a prisoner incarcerated in another jurisdiction, in order to try him on criminal charges. Article IV(c) of the IAD provides that trial of a transferred prisoner "shall be commenced within one hundred and twenty days of the arrival of the prisoner in the receiving State, but for good cause shown in open court, . . . the court having jurisdiction of the matter may grant any necessary or reasonable continuance." IAD Article V(c) states that when trial does not occur within the time prescribed, the charges shall be dismissed with prejudice.

The petitioner in this case, Orrin Scott Reed, was transferred in April 1983 from a federal prison in Indiana to state custody pursuant to an IAD request made by Indiana officials. Reed was tried in October

of that year, following postponements made and explained in his presence in open court. Reed's petition raises the question whether a state prisoner, asserting a violation of IAD Article IV(c)'s 120–day limitation, may enforce that speedy trial prescription in a federal habeas corpus action under 28 U. S. C. §2254.

We hold that a state court's failure to observe the 120–day rule of IAD Article IV(c) is not cognizable under §2254 when the defendant registered no objection to the trial date at the time it was set, and suffered no prejudice attributable to the delayed commencement. Accordingly, we affirm the judgment of the Court of Appeals.

In December 1982, while petitioner Reed was serving time in a Terre Haute, Indiana, federal prison, the State of Indiana charged him with theft and habitual offender status. Indiana authorities lodged a detainer[1] against Reed and, on April 27, 1983, took custody of him. The 120–day rule of IAD Article IV(c) thus instructed that, absent any continuance, Reed's trial was to commence on or before August 25, 1983.

At two pretrial conferences, one on June 27, the other on August 1, the trial judge discussed with Reed (who chose to represent himself) and the prosecutor the number of days needed for the trial, and the opening date. At the June 27 conference, the court set a July 18 deadline for submission of the many threshold motions Reed said he wished to file, and September 13 as the trial date. That trial date exceeded IAD Article IV(c)'s 120–day limit, but neither the prosecutor nor Reed called the IAD limit to the attention of the judge, and neither asked for a different trial date. Reed did indicate a preference for trial at a time when he would be out of jail on bond (or on his own recognizance); he informed the court that he would be released from federal custody two weeks before September 13, unless federal

[1]A detainer is "a request filed by a criminal justice agency with the institution in which a prisoner is incarcerated, asking either to hold the prisoner for the agency or to notify the agency when release of the prisoner is imminent." *Carchman* v. *Nash*, 473 U. S. 716, 719 (1985).

authorities revoked his "good days" credits, in which case he would be paroled on September 14. App. 39; see *id*., at 76.

At the August 1 pretrial conference, Reed noted his imminent release from federal custody and asked the court to set bond. *Id*., at 76–79. In response, the court set bond at $25,000. Also, because of a calendar conflict, the court reset the trial date to September 19. *Id*., at 79–81.[2] Reed inquired about witness subpoenas and requested books on procedure, but again, he said nothing at the conference to alert the judge to Article IV(c)'s 120–day limit, nor did he express any other objection to the September 19 trial date.

Interspersed in Reed's many written and oral pretrial motions are references to IAD provisions other than Article IV(c). See App. 28–31, 44 (alleging illegality of transfer from federal to state custody without a pre-transfer hearing); *id.*, at 46 (asserting failure to provide hygienic care in violation of IAD Article V). Reed did refer to the IAD prescription on trial commencement in three of the written motions he filed during the 120–day period; indeed, one of these motions was filed on the very day of the August 1 pretrial conference.[3] In none of the three motions,

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[2]Reed posted bond by corporate surety on September 28 and was thereupon released from pretrial incarceration. See App. 148.

[3]See Petition for Relief of Violations (filed July 25, 1983), *id*. at 56 (requesting that "trial be held within the legal guidelines of the [IAD]" and asserting that the State was "forcing [him] to be tried beyond the limits as set forth in the [IAD]"); Petition for Revision of Pre-trial Procedure and Relief of Violations (filed August 1, 1983), *id*., at 88 (seeking dismissal of charges, referring, *inter alia*, to "the limited time left for trial within the laws"); Petition for Subpoena for Depositions upon Oral Examination, and for Production of Documentary Evidence (filed August 11,

however, did Reed mention Article IV(c) or the September 13 trial date previously set. In contrast, on August 29, four days after the 120–day period expired, Reed presented a clear statement and citation. In a "Petition for Discharge," he alleged that Indiana had failed to try him within 120 days of his transfer to state custody, and therefore had violated Article IV(c);[4] consequently, he urged, the IAD mandated his immediate release.[5] The trial judge denied the petition, explaining:

> "Today is the first day I was aware that there was a 120 day limitation on the Detainer Act. The Court made its setting and while there has been a request for moving the trial forward, there has not been any speedy trial request filed, nor has there been anything in the nature of an objection to the trial setting, but only an urging that it be done within the guidelines that have been set out." App. 113–114.

The morning trial was to commence, September 19, Reed filed a motion for continuance, saying he needed additional time for trial preparation. *Id*., at 128. A newspaper article published two days earlier

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1983), *id*., at 91 (requesting action "as soon as possible due to approaching trial date and Detainer Act time limits").

[4]App. 94. Specifically, Reed wrote: "That petitioner is being detained contrary to Indiana law and procedure: 35–33–10–4, Article 4(c) . . . trial shall be commenced within one hundred twenty (120) days of arrival of the prisoner in the receiving state . . . ."

[5]The prosecutor, in response, pointed out that Article IV(c) permits "any necessary or reasonable continuance," and that Reed had not objected at the time the trial court set the date. App. 113. He also expressed confusion about the effect of the 120–day rule and its relationship to the 180–day time limit prescribed by a different IAD provision. *Id*., at 114; see n. 6, *infra*.

had listed the names of persons called for jury duty and the 1954 to 1980 time frame of Reed's alleged prior felony convictions. Concerned that the article might jeopardize the fairness of the trial, the judge offered Reed three options: (1) start the trial on schedule; (2) postpone it for one week; or (3) continue it to a late October date. Reed chose the third option, *id*., at 134, 142, and the trial began on October 18; the jury convicted Reed of theft, and found him a habitual offender. He received a sentence of four years in prison on the theft conviction, and 30 years on the habitual offender conviction, the terms to run consecutively.

The Indiana Supreme Court affirmed the convictions. *Reed* v. *State*, 491 N. E. 2d 182 (1986). Concerning Reed's objection that the trial commenced after the 120–day period specified in IAD Article IV(c), the Indiana Supreme Court stressed the timing of Reed's pleas in court: Reed had vigorously urged at the August 1 pretrial conference other alleged IAD violations (particularly, his asserted right to a hearing in advance of the federal transfer to state custody), but he did not then object to the trial date. *Id*., at 184–185; see App. 67–74. "The relevant times when [Reed] should have objected were on June 27, 1983, the date the trial was set, and August 1, 1983, the date the trial was reset," the Indiana Supreme Court concluded. 491 N. E. 2d, at 185.

Reed unsuccessfully sought postconviction relief in the Indiana courts, and then petitioned under 28 U. S. C. §2254 for a federal writ of habeas corpus. The District Court denied the petition. Examining the record, that court concluded that "a significant amount of the delay of trial is attributable to the many motions filed by [Reed] or filed on [Reed's] behalf"; delay chargeable to Reed, the court held, was excludable from the 120–day period. *Reed* v. *Clark*, Civ. No. S 90–226 (ND Ind., Sept. 21, 1990), App. 188, 195–196.

The Court of Appeals for the Seventh Circuit affirmed. *Reed* v. *Clark*, 984 F. 2d 209 (1993). Preliminarily, the Court of Appeals recognized that the IAD, although state law, is also a "law of the United States" within the meaning of §2254(a). *Id.*, at 210. Nonetheless, that court held collateral relief unavailable because Reed's IAD-speedy trial arguments and remedial contentions had been considered and rejected by the Indiana courts. *Stone* v. *Powell*, 428 U. S. 465 (1976), the Court of Appeals concluded, "establishes the proper framework for evaluating claims under the IAD." 984 F. 2d, at 213. In *Stone*, this Court held that the exclusionary rule, devised to promote police respect for the Fourth Amendment rights of suspects, should not be applied on collateral review unless the state court failed to consider the defendant's arguments. We granted certiorari, 510 U. S. ___ (1993), to resolve a conflict among the Courts of Appeals on the availability of habeas review of IAD speedy trial claims.[6]

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[6]The IAD's other speedy trial provision, Article III(a), requires that a prisoner against whom a detainer has been lodged be tried within 180 days of the prosecuting State's receipt of the prisoner's notice requesting speedy disposition of the charges. *Fex* v. *Michigan*, 507 U. S. ___ (1993).

The Seventh Circuit's rationale is one of several approaches taken by Courts of Appeals addressing the availability of habeas review for violations of Articles IV(c) and III(a). Some courts have denied relief without regard to whether the petitioner alerted the trial court to the IAD's speedy trial provisions. In this category, some decisions state that IAD speedy trial claims are never cognizable under §2254, because IAD speedy trial violations do not constitute a "fundamental defect which inherently results in a complete miscarriage of justice," under *Hill* v. *United States*, 368 U. S. 424, 428 (1962). See, *e.g.*, *Reilly* v. *Warden, FCI Petersburg*, 947 F. 2d 43,

A state prisoner may obtain federal habeas corpus relief "only 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) (emphasis added). Respondent Indiana initially argues that the IAD is a voluntary interstate agreement, not a "la[w] . . . of the United States" within the meaning of §2254(a). Our precedent, however, has settled that issue: while the IAD is indeed state law, it is a law of the United States as well. See *Carchman* v. *Nash*, 473 U. S. 716, 719 (1985) (§2254 case, holding that the IAD "is a congressionally sanctioned interstate compact within the Compact Clause, U. S. Const., Art. I, §10, cl. 3, and thus is a federal law subject to federal construction"); *Cuyler* v. *Adams*, 449 U. S.

44–45 (CA2 1991) *(per curiam); Fasano* v. *Hall*, 615 F. 2d 555, 558–559 (CA1 1980). Other courts applying the *Hill* standard have said §2254 is not available for failure to meet IAD speedy trial specifications unless the petitioner shows actual prejudice. See, *e.g.*, *Seymore* v. *Alabama*, 846 F. 2d 1355, 1359–1360 (CA11 1988); *Kerr* v. *Finkbeiner*, 757 F. 2d 604, 607 (CA4 1985). Still other courts have reached the merits of IAD speedy trial contentions raised in habeas actions under §2254. See, *e.g.*, *Birdwell* v. *Skeen*, 983 F. 2d 1332 (CA5 1993) (affirming District Court's grant of the writ, where state court failed to comply with IAD Article III(a) in spite of petitioner's repeated request for compliance with the 180–day rule); *Cody* v. *Morris*, 623 F. 2d 101, 103 (CA9 1980) (remanding to District Court for resolution of factual dispute over whether habeas petitioner had been tried within Article IV(c)'s 120–day limit); *United States ex rel. Esola* v. *Groomes*, 520 F. 2d 830, 839 (CA3 1975) (remanding to District Court for determination on whether state trial court had granted continuance for good cause pursuant to Article IV(c)).

433, 438–442 (1981) ("congressional consent transforms an interstate compact . . . into a law of the United States").

The Court of Appeals recognized that the IAD is both a law of Indiana and a federal statute. 984 F. 2d, at 210. Adopting *Stone* v. *Powell*, 428 U. S. 465 (1976), as its framework, however, that court held relief under §2254 unavailable to Reed. 984 F. 2d, at 213. *Stone* holds

that a federal court may not, under §2254, consider a claim that evidence from an unconstitutional search was introduced at a state prisoner's trial if the prisoner had "an opportunity for full and fair litigation of [the] claim in the state courts." 428 U. S., at 469. Our opinion in *Stone* concentrated on "the nature and purpose of the Fourth Amendment exclusionary rule." *Id*., at 481. The Court emphasized that its decision confined the exclusionary rule, not the scope of §2254 generally:

> "Our decision today is *not* concerned with the scope of the habeas corpus statute as authority for litigating constitutional claims generally. We do reaffirm that the exclusionary rule is a judicially created remedy rather than a personal constitutional right, . . . and we emphasize the minimal utility of the rule when sought to be applied to Fourth Amendment claims in a habeas corpus proceeding." *Id*., at 495, n. 37 (emphasis in original).

We have "repeatedly declined to extend the rule in *Stone* beyond its original bounds." *Withrow* v. *Williams*, 507 U. S. ___, ___ (slip op., at 5) (1993) (holding that *Stone* does not apply to a state prisoner's claim that his conviction rests on statements obtained in violation of the safeguards set out in *Miranda* v. *Arizona*, 384 U. S. 436 (1966)).[7]

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[7]See also *Kimmelman* v. *Morrison*, 477 U. S. 365, 375–377 (1986) (*Stone* does not bar habeas review of claim of

Because precedent already in place suffices to resolve Reed's case, we do not adopt the Seventh Circuit's *Stone*–based rationale.

We have stated that habeas review is available to check violations of federal laws when the error qualifies as "a fundamental defect which inherently results in a complete miscarriage of justice, [or] an omission inconsistent with the rudimentary demands of fair procedure. *Hill* v. *United States*, 368 U. S. 424, 428 (1962); accord, *United States* v. *Timmreck*, 441 U. S. 780, 783 (1979); *Davis* v. *United States*, 417 U. S. 333, 346 (1974). The IAD's purpose—providing a nationally uniform means of transferring prisoners between jurisdictions—can be effectuated only by nationally uniform interpretation. See 984 F. 2d, at 214 (Ripple, J., dissenting from denial of rehearing in banc). Therefore, the argument that the compact would be undermined if a State's courts resisted steadfast enforcement, with total insulation from §2254 review, is not without force. Cf. *Stone* v. *Powell*, *supra*, at 526 (Brennan, J., dissenting) (institutional constraints preclude Supreme Court from overseeing adequately whether state courts have properly applied federal law). This case, however, gives us no cause to consider whether we would confront an omission of the kind contemplated in *Hill*, *Timmreck*, or *Davis*, if a state court, presented with a timely request to set a trial date within the IAD's 120–day period, nonetheless refused to comply with Article IV(c).

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ineffective assistance of counsel based on counsel's failure to file a timely suppression motion); *Rose* v. *Mitchell*, 443 U. S. 545, 559–564 (1979) (refusing to extend *Stone* to equal protection claim of racial discrimination in selection of state grand jury foreman); *Jackson* v. *Virginia*, 443 U. S. 307, 321–324 (1979) (*Stone* does not bar habeas review of due process claim of insufficiency of evidence supporting conviction).

When a defendant obscures Article IV(c)'s time prescription and avoids clear objection until the clock has run, cause for collateral review scarcely exists. An unwitting judicial slip of the kind involved here ranks with the nonconstitutional lapses we have held not cognizable in a postconviction proceeding. In *Hill*, for example, a federal prisoner sought collateral relief, under 28 U. S. C. §2255,[8] based on the trial court's failure at sentencing to afford him an opportunity to make a statement and present information in mitigation of punishment, as required by Rule 32(a) of the Federal Rules of Criminal Procedure. The petitioner, however, had not sought to assert his Rule 32(a) rights at the time of sentencing, a point we stressed:

> "[W]e are not dealing here with a case where the defendant was affirmatively denied an opportunity to speak during the hearing at which his sentence was imposed. Nor is it suggested that in imposing the sentence the District Judge was either misinformed or uninformed as to any relevant circumstances. Indeed, there is no claim that the defendant would have had anything at all to say if he had been formally invited to speak." 368 U. S., at 429.

"[W]hen all that is shown is a failure to comply with the formal requirements" of Rule 32(a), we held, "collateral relief is not available." *Ibid.* But we left open the question whether "[collateral] relief would be available if a violation of Rule 32(a) occurred in the context of other aggravating circumstances." *Ibid*.

Hill controlled our decision in *United States* v. *Timmreck*, *supra*, where a federal prisoner sought collateral review, under §2255, to set aside a conviction based on a guilty plea. The complainant in *Timmreck* alleged that the judge who accepted his

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[8]The text of §2255, in relevant part, is set out at n. 11, *infra*.

plea failed to inform him, in violation of Rule 11 of the Federal Rules of Criminal Procedure, that he faced a mandatory postincarceration special parole term. We rejected the collateral attack, observing that the violation of Rule 11 was technical, and did not "resul[t] in a `complete miscarriage of justice' or in a proceeding `inconsistent with the rudimentary demands of fair procedure.'" *Id.*, at 784, quoting *Hill*, *supra*, at 428. "As in *Hill*," we found it unnecessary to consider whether "[postconviction] relief would be available if a violation of Rule 11 occurred in the context of other aggravating circumstances." *Id.*, at 784–785.

Reed's case similarly lacks "aggravating circumstances" rendering "`the need for the remedy afforded by the writ of *habeas corpus* . . . apparent.'" *Hill*, *supra*, at 428, quoting *Bowen* v. *Johnston*, 306 U. S. 19, 27 (1939). Reed had two clear chances to alert the trial judge in open court if he indeed wanted his trial to start on or before August 25, 1993. He let both opportunities pass by. At the pretrial hearings at which the trial date was set and rescheduled, on June 27 and August 1, Reed not only failed to mention the 120–day limit; he indicated a preference for holding the trial after his release from federal imprisonment, which was due to occur after the 120 days expired. See *supra*, at 2–3. Then, on the *124th day*, when it was no longer possible to meet Article IV(c)'s deadline, Reed produced his meticulously precise "Petition for Discharge." See *supra*, at 4, and n. 4.[9]

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[9]In contrast, the defendant in *United States* v. *Ford*, 550 F. 2d 732 (CA2 1977), aff'd sub nom. *United States* v. *Mauro*, 436 U. S. 340 (1978), made "[timely and] vigorous protests," to several government-requested continuances, yet was tried 13 months after Article IV(c)'s 120–day period expired. 550 F. 2d, at 735. Reed's trial occurred within 2 months of the period's expiration. See *infra*, at 13.

As the Court of Appeals observed, had Reed objected to the trial date on June 27 or August 1 "instead of burying his demand in a flood of other documents, the [trial] court could have complied with the IAD's requirements." 984 F. 2d, at 209–210. The Court of Appeals further elaborated:

> "During the pretrial conference of August 1, 1983, Reed presented several arguments based on the IAD, including claims that the federal government should have held a hearing before turning him over to the state and that his treatment in Indiana fell short of the state's obligations under Art. V(d) and (h). Reed did not mention the fact that the date set for trial would fall outside the 120 days allowed by Art. IV(c). Courts often require litigants to flag important issues orally rather than bury vital (and easily addressed) problems in reams of paper, as Reed did. E.g., Fed. R. Crim. P. 30 (requiring a distinct objection to jury instructions); cf. Fed. R. Crim. P. 12(b) (a district judge may require motions to be made orally). It would not have been difficult for the judge to advance the date of the trial or make a finding on the record of good cause, either of which would have satisfied Art. IV(c). Because the subject never came up, however, the trial judge overlooked the problem." 984 F. 2d, at 213.

Reed regards the Court of Appeals' description of his litigation conduct, even if true, as irrelevant. He maintains that the IAD dictates the result we must reach, for Article V(c) directs dismissal with prejudice when Article IV(c)'s time limit has passed.[10] Article

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[10]Article V(c) provides in relevant part:

"[I]n 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,

V(c) instructs only that "the appropriate court of the jurisdiction where the indictment . . . has been pending"—*i.e.*, the original trial court—shall dismiss the charges if trial does not commence within the time Article IV(c) prescribes. Article V(c) does not address the discrete question whether relief for violations of the IAD's speedy trial provisions is available on collateral review. That matter is governed instead by the principles and precedent generally controlling availability of the great writ. See 984 F. 2d, at 212. Referring to those guides, and particularly the *Hill* and *Timmreck* decisions, we conclude that a state court's failure to observe the 120–day rule of IAD Article IV(c) is not cognizable under §2254 when the defendant registered no objection to the trial date at the time it was set, and suffered no prejudice attributable to the delayed commencement.

Reed argues that he is entitled to habeas relief because the IAD's speedy trial provision "effectuates a constitutional right," the Sixth Amendment guarantee of a speedy trial. Brief for Petitioner 26. Accordingly, he maintains, the alleged IAD violation should be treated as a constitutional violation or as a "fundamental defect" satisfying the *Hill* standard, not as a mere technical error. Reed's argument is insubstantial for, as he concedes, his constitutional right to a speedy trial was in no way violated. See Tr. of Oral Arg. 7.

Reed's trial commenced 54 days after the 120–day period expired. He does not suggest that his ability to present a defense was prejudiced by the delay.

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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."

Nor could he plausibly make such a claim.[11] Indeed, asserting a need for more time to prepare for a trial that would be "fair and meaningful," App. 128, Reed himself *requested* a delay beyond the scheduled September 19 opening. A showing of prejudice is required to establish a violation of the Sixth Amendment Speedy Trial Clause, and that necessary ingredient is entirely missing here. See *Barker* v. *Wingo*, 407 U. S. 514, 530 (1972) (four factors figure in the determination of Sixth Amendment speedy trial claims; one of the four is "prejudice to the defendant").

More strenuously, Reed argues that *Hill* and similar decisions establish a standard for *federal* prisoners seeking relief under 28 U. S. C. §2255,[12] not for *state* prisoners seeking relief under §2254. But it is scarcely doubted that, at least where mere statutory violations are at issue, "§2255 was intended to mirror §2254 in operative effect." *Davis* v. *United States*, 417 U. S. 333, 344 (1974). Far from suggesting that the *Hill* standard is inapplicable to §2254 cases, our decisions assume that *Hill* controls collateral review—

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[11]As the Court of Appeals noted:

"Had Indiana put Reed to trial within 120 days of his transfer from federal prison, everything would have proceeded as it did. Reed does not contend that vital evidence fell into the prosecutor's hands (or slipped through his own fingers) between August 26 and September 19, 1983." 984 F. 2d, at 212.

[12]Section 2255 provides in pertinent part:

"A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, . . . may move the court which imposed the sentence to vacate, set aside or correct the sentence."

under both §§2254 and 2255—when a federal statute, but not the Constitution, is the basis for the postconviction attack. For example, in *Stone* v. *Powell*, a §2254 case, we recalled "the established rule with respect to nonconstitutional claims" as follows: "[N]onconstitutional claims . . . can be raised on collateral review only if the alleged error constituted a `"fundamental defect which inherently results in a complete miscarriage of justice."'" 428 U. S., at 477, n. 10, quoting *Davis*, 417 U. S., at 346, quoting *Hill*, 368 U. S., at 428.[13]

Reed nevertheless suggests that we invoked the fundamental defect standard in *Hill* and *Timmreck* for this sole reason: "*So far as convictions obtained in the federal courts are concerned*, the general rule is that the writ of *habeas corpus* will not be allowed to do service for an appeal." *Sunal* v. *Large*, 332 U. S. 174, 178 (1947) (emphasis added). The same "general rule," however, applies to §2254. Where the petitioner—whether a state or federal prisoner—failed properly to raise his claim on direct review, the writ is available only if the petitioner establishes "cause" for the waiver and shows "actual prejudice resulting from the alleged . . . violation." *Wainwright* v. *Sykes*, 433 U. S. 72, 84 (1977); *id*., at 87.

We see no reason to afford habeas review to a state

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[13]See also *United States* v. *Addonizio*, 442 U. S. 178 (1979), in which we reiterated that the *Hill* standard governs habeas review of all claims of federal statutory error, citing *Stone:*

"[U]nless the claim alleges a lack of jurisdiction or constitutional error, the scope of collateral attack has remained far more limited. *Stone* v. *Powell*, 428 U. S. 465, 477, n. 10. The Court has held that an error of law does not provide a basis for collateral attack unless the claimed error constituted `a fundamental defect which inherently results in a complete miscarriage of justice.'" 442 U. S., at 185, quoting *Hill*, 368 U. S., at 428.

prisoner like Reed, who let a time clock run without alerting the trial court, yet deny collateral review to a federal prisoner similarly situated. See *Francis* v. *Henderson*, 425 U. S. 536, 542 (1976) ("`Plainly the interest in finality is the same with regard to both federal and state prisoners. . . . There is no reason to . . . give greater preclusive effect to procedural defaults by federal defendants than to similar defaults by state defendants.'") (quoting *Kaufman* v. *United States*, 394 U. S. 217, 228 (1969)); see also *United States* v. *Frady*, 456 U. S. 152, 167–168 (1982) (collateral review of procedurally defaulted claims is subject to same "cause and actual prejudice" standard, whether the claim is brought by a state prisoner under §2254 or a federal prisoner under §2255).

Reed contends that the scope of review should be broader under §2254 than under §2255, because state prisoners, unlike their federal counterparts, have "had no meaningful opportunity to have a federal court consider any federal claim." Brief for Petitioner 34. But concern that state courts might be hostile to the federal law here at stake is muted by two considerations. First, we have reserved the question whether federal habeas review is available to check violations of the IAD's speedy trial prescriptions when the state court disregards timely pleas for their application. See *supra*, at 9. Second, the IAD is both federal law, and the law of Indiana. Ind. Code §35–33–10–4 (1993). As the Court of Appeals noted: "We have no more reason to suppose that the Supreme Court of Indiana seeks to undermine the IAD than we have to suppose that it seeks to undermine any other law of Indiana." 984 F. 2d, at 211.

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For the reasons stated, the judgment of the Court of Appeals is

Affirmed.