

MAYLE v. FELIX

ALEKSANDRA KOPEC*

In a 7-2 decision,¹ the United States Supreme Court refused the right of a prisoner to amend his habeas petition because his amended petition failed to meet the one-year deadline imposed by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA).² The Court considered Federal Rule of Civil Procedure 15(c)(2)³ in determining whether the amended pleading related back to the original pleading, and thus did not violate the AEDPA time limitation. The Supreme Court found the two pleadings too remote in time and scope to be reasonably related, and thus held that the AEDPA limitation barred the second claim.

Jacoby Felix was convicted of first degree murder and second degree robbery in California state court and received a life sentence for the two offenses.⁴ Felix subsequently filed a *pro se* habeas petition in federal court within the one-year AEDPA limit.⁵ The petition alleged that videotaped testimony admitted into evidence by a prosecution witness violated his rights under the Sixth Amendment's Confrontation Clause.⁶ After Felix received appointed counsel, his attorney filed an amended petition, but it was already five months past the AEDPA deadline.⁷ The amended petition alleged that pretrial interrogation by the police coerced Felix to make damaging admissions. It further alleged that those admissions should have been

* 2007 J.D. Candidate, Duke University School of Law.

1. *Mayle v. Felix*, 125 S. Ct. 2562 (2005).

2. 28 U.S.C. § 2244(d)(1) (2005) (“A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court.”).

3. FED. R. CIV. P. 15(c)(2) (“An amendment of a pleading relates back to the date of the original pleading when . . . (2) the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading.”).

4. *Mayle*, 125 S. Ct. at 2566.

5. *Id.*

6. *Id.*

7. *Id.*

excluded from trial because they were obtained in violation of Felix's Fifth Amendment right against compelled self-incrimination. The district court dismissed the amended claim as time-barred and rejected the original claim on its merits.⁸ However, although the Ninth Circuit affirmed the district court's rejection of the original claim, it reversed the dismissal of the amended petition.⁹ To reach this conclusion, the court interpreted the Federal Rule of Civil Procedure 15(c)(2) requirements broadly. It found that the amended petition related back to the original because it "arose out of the same conduct, transaction, or occurrence set forth in his original pleading—namely, his state trial and conviction."¹⁰ The Supreme Court reversed the decision of the Ninth Circuit, and interpreted the rule more narrowly.¹¹

Justice Ginsburg wrote for the seven member majority of the Court, emphasizing that the AEDPA was enacted to limit the time for collateral attacks in habeas petitions. The opinion also stressed the congressional intent to hasten the finality of criminal proceedings¹² and the special rules that govern habeas cases.¹³ The opinion noted that Habeas Corpus Rule 11 was particularly applicable because it allowed application of the Federal Rules of Civil Procedure "to the extent that [the civil procedure rules] are not inconsistent with any statutory provisions or [the habeas] rules."¹⁴ The former prescription was an important qualification for the majority's rationale, as it indicated the supremacy of the AEDPA over Rule 15(c)(2). According to the habeas rules, Federal Rule of Civil Procedure 15(c)(2) could only be applied if it were consistent with a statutory provision, such as the AEDPA.

The opinion analyzed the relationship between Federal Rule of Civil Procedure 8(a)¹⁵ and Habeas Corpus Rule 2(c), emphasizing that Rule 8(a) required only that an adequately grounded complaint

8. *Id.* at 2568.

9. *Id.*

10. *Felix v. Mayle*, 379 F.3d 612, 618 (9th Cir. 2004).

11. *Mayle*, 125 S. Ct. at 2575.

12. *Id.* at 2569.

13. R. Governing Section 2254 Cases.

14. *See id.*

15. FED. R. CIV. PRO. 8(a) ("A pleading which sets forth a claim for relief . . . shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks.").

provide fair notice,¹⁶ while the habeas rules required that a “petition must: (1) specify all the grounds for relief available to the petitioner; [and] (2) state the facts supporting each ground.”¹⁷ The majority determined the rules required that each claim for relief be specifically stated and, therefore, that no general claim can later be amended.

Combing these linguistic interpretations for practical application, the Supreme Court noted that a majority of federal circuit courts had defined the “conduct, transaction, or occurrence” standard under Rule 15(c)(2) narrowly. The Ninth and Seventh Circuits were in the minority, taking the opposite view.¹⁸ The Supreme Court feared that this minority view, espousing broad interpretation of Rule 15(c)(2), could imply that any amended petition would pass the test, provided it related to the same trial, conviction, or sentence. Therefore, the Supreme Court agreed with the majority of the circuits, concluding that “Rule 15(c)(2) relaxes, but does not obliterate, the statute of limitations; hence relation back depends on the existence of a common ‘core of operative facts’ uniting the original and newly asserted claims.”¹⁹

The Court rejected Felix’s argument that the decision concerning his amended pleading should parallel the permissive interpretation of the relation-back doctrine adopted in *Tiller v. Atlantic Coast Line Railroad Co.*²⁰ There, the Court allowed a widow whose husband had been killed in a railroad accident to amend her complaint in the same cause of action.²¹ Personal injury, according to the majority, arises from one circumstance. Therefore, it reasoned, pleadings related to that one circumstance all relate back to the same “conduct, transaction, or occurrence.”²² However, Felix targeted a separate episode, specifically the self-incrimination claim that occurred outside

16. *Id.* at 2570.

17. R. Governing Section 2254 Cases 2(c) (form of petition).

18. *See id.* at 2570.

19. *Id.* at 2572.

20. *Tiller v. Atl. Coast Line R.R. Co.*, 323 U.S. 574 (1945).

21. *Id.* (finding that a widow’s subsequent statutory claim for failure to provide locomotive with a rear light fell under the Rule 15(c)(2) same “conduct, transaction, or occurrence” standard as the initial negligence claim against the railroad company because these both arose from one personal injury circumstance).

22. *See Mayle*, 125 S. Ct. at 2572.

the scope of the trial. Under this reasoning, the majority reversed the Ninth Circuit and rejected Felix's habeas petition.

The dissent, authored by Justice Souter and joined by Justice Stevens, argued that Felix's amended claim should have been allowed. The two justices argued that the AEDPA should be qualified by Rule 15(c)(2) and should not be the sole authority on timing for amended claims.²³ Furthermore, the dissent stated that Felix was correct to assert that both petitions related back to the same conduct, transaction, or occurrence. According to the dissent, the original claim and the amended claim were the same in the following two respects: (i) they both related to conduct addressed at the same trial, and (ii) they both involved the same judge, parties and attorneys, courtroom, and jurors.²⁴ Thus, the two claims equally depended on the specified trial errors.

The dissent also disagreed with the majority's assertion that most circuit cases did not support Felix's view. According to the minority, the circuit cases "simply [stood] for the proposition that an amendment relates back only if it deals with the same conduct, transaction, or occurrence."²⁵ Therefore, the dissent reasoned, the same conduct, transaction, or occurrence can support multiple claims. In that vein, the dissent embraced the broader interpretation of Rule 15(c)(2) to permit Felix's amended petition. This interpretation may be seen as similar to the reasoning employed by the Court in *Tiller*. The dissent emphasized that in *Tiller* the relation-back doctrine was extended to allow an amendment that raised a separate claim out of the same transaction or occurrence as the original claim.²⁶ If Congress had wanted to limit the rights of habeas petitioners to amend their complaints, it would have done so explicitly, as it had in other circumstances.²⁷

The dissent's policy considerations provided the most compelling argument. The opinion highlighted the practical implications of a

23. *Id.* at 2576 ("AEDPA's objectives bear little weight in the analysis, because the very point of every relation back rule is to qualify a statute of limitations.").

24. *Id.* at 2577.

25. *Id.*

26. *Tiller*, 323 U.S. at 581 (finding that the two pleadings related back because they arose out of the same general conduct that caused the death of the plaintiff's now deceased husband).

27. *Mayle*, 125 S. Ct. at 2580 (citing the explicit limits placed on habeas petitioners subject to capital sentences in certain states).

narrow interpretation of Rule 15(c)(2). In many cases, the dissent reasoned, the original habeas petition is the work of a *pro se* petitioner, and in ninety-three percent of cases, counsel is appointed after this petition has been filed.²⁸ Limiting the right to amend habeas petitions may therefore disproportionately disadvantage indigent habeas petitioners who often receive counsel late in their habeas proceedings.²⁹

The dissent's policy arguments seem more compelling than the rationale proposed by the majority. The practical implications of the majority's interpretation propose a serious problem for indigent petitioners. If indigent petitioners do not have access to counsel when filing their initial habeas petitions, the limits placed on the opportunity to amend these original petitions should be more lenient than the Supreme Court has required. Otherwise, indigent petitioners will be highly disadvantaged. Petitioners are often unaware of the constitutional claims they may raise in habeas petitions. As the dissent emphasized, when counsel is appointed, the attorney should be permitted to provide the full extent of legal advice such that habeas petitions may be amended and new claims legitimately added.³⁰ A petitioner should not be limited in working with his counsel on subsequent habeas claims when his initial habeas petition has survived judicial review.³¹

The conflict between the meaning of the law and its effects in practice permeated the discussion. Rather than limit its consideration to the implications of Rule 15(c)(2) on an individual level, as did the dissent, the majority considered the Rule's implications on a broader scale. Although the dissent's argument can be universalized in the sense that far more constitutional claims go unnoticed for each indigent petitioner forbidden to file an additional claim, the majority

28. *Duncan v. Walker*, 533 U.S. 167, 191 (2001) (Breyer, J., dissenting) (citing U.S. Dep't of Justice, Office of Justice Programs, Bureau of Justice Statistics, Federal Habeas Corpus Review: Challenging State Court Criminal Convictions 14 (1995)); cf. U.S. Dep't of Justice, Bureau of Justice Statistics Special Report: Defense Counsel in Criminal Cases (2000), available at <http://www.ojp.usdoj.gov/bsj/pub/pdf/dccc.pdf>.

29. *Mayle*, 125 S. Ct. at 2581–82.

30. *See id.* at 2581 (“For by hobbling counsel this way, the Court limits the capacity of appointed counsel to provide the professional service that a paid lawyer, hired at the outset, can give a client.”).

31. *Id.*

focused more on the wide societal and pragmatic implications of the holding. For instance, the majority's narrow interpretation of the rule serves to alleviate already overcrowded court dockets. However, this may not be a real concern for habeas proceedings. The total number of habeas petitions filed by prisoners in United States district courts has declined since 2000, though the numbers have increased since the enactment of AEDPA in 1996.³²

The narrow interpretation that the majority embraced may also ensure that the AEDPA continues to affect habeas proceedings. The dissent's approach may have weakened the AEDPA by allowing a large number of amended petitions after the statute of limitations had passed. Furthermore, the dissent's interpretation may even have invalidated Rule 15(c)(2) altogether. A broad interpretation of the same conduct, transaction, or occurrence could effectively nullify the standard. Had Congress wanted such a lax, ineffectual standard for Rule 15(c)(2), it may not have passed a separate provision of the federal procedural rules.

Finally, the majority's emphasis on Habeas Corpus Rule 2(c)³³ was key to its decision. Because the rule requires specificity when stating habeas claims, it aids in facilitating criminal proceedings. Petitioners must specify all grounds for a claim in the original pleading. Thus, the majority's interpretation emphasizes the importance of not only this habeas rule, but also of efficient criminal proceedings. And, as noted previously, the majority followed the view held by a majority of circuit courts. Thus, the Supreme Court confirmed a trend already embraced by the lower courts.

Although the dissent's policy arguments presented a compelling reason to interpret Rule 15(c)(2) broadly, the majority based its reasoning on a logical combination of the civil procedure rule with the AEDPA and the general habeas rules. If the policy concerns prove to be as dire as the dissent argued, Congress can change the way that habeas petitions may be amended via legislation. Notably, the dissent's fairness argument did not apply to the facts in *Felix*. As the majority pointed out, "[t]he concern is understandable, although we note that in *Felix's* case, counsel was appointed, and had some two

32. Administrative Office of the United States Courts, Judicial Facts and Figures, Table 2.9, available at <http://www.uscourts.gov/judicialfactsfigures/table2.09.pdf>.

33. R. Governing Section 2254 Cases.

and a half months to amend the petition before AEDPA's limitation period expired."³⁴ It is possible, however, that the Court would have been willing to take a more liberal view of the rule for a petitioner who was denied access to counsel after the AEDPA statute of limitations expired, a situation the Court may yet face. For now, the majority's interpretation is a reasonable one. Felix's amended habeas petition was rightly denied as time barred because the subsequent amended petition did not properly relate back to the same conduct, transaction, or occurrence.

34. *Mayle*, 125 S. Ct. at 2575.