

10-930 RYAN V. GONZALES

DECISION BELOW: 623 F.3d 1242

LOWER COURT CASE NUMBER: 08-72188

QUESTION PRESENTED:

Several years after Gonzales's counsel initiated federal habeas proceedings and filed an exhaustive petition seeking relief, counsel asserted that Gonzales was incompetent to communicate rationally and the proceedings should be indefinitely stayed pending possible restoration of competency. Based on 18 U.S. C. § 3599(a)(2), the Ninth Circuit agreed, even though Gonzales's claims were record-based or purely legal.

Did the Ninth Circuit err when it held that 18 U.S.C. § 3599(a)(2)-which provides that an indigent capital state inmate pursuing federal habeas relief "shall be entitled to the appointment of one or more attorneys"-impliedly entitles a death row inmate to stay the federal habeas proceedings he initiated if he is not competent to assist counsel?

CERT. GRANTED 3/19/2012