

(ORDER LIST: 569 U.S.)

MONDAY, JUNE 3, 2013

CERTIORARI -- SUMMARY DISPOSITIONS

11-10870 WASHINGTON, WILLIE T. V. THALER, DIR., TX DCJ

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Trevino v. Thaler*, 569 U.S. ____ (2013).

12-390 SMITH, OSCAR V. COLSON, WARDEN

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *Trevino v. Thaler*, 569 U.S. ____ (2013).

12-1067 SEARS, ROEBUCK AND CO. V. BUTLER, LARRY, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Seventh Circuit for further consideration in light of *Comcast Corp. v. Behrend*, 569 U.S. ____ (2013).

12-5906 BALENTINE, JOHN L. V. THALER, DIR., TX DCJ

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United

States Court of Appeals for the Fifth Circuit for further consideration in light of *Trevino v. Thaler*, 569 U.S. ____ (2013).

12-6257 VIZCARRA, TOMAS V. THALER, DIR., TX DCJ

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *McQuiggin v. Perkins*, 569 U.S. ____ (2013).

12-6656 AYESTAS, CARLOS M. V. THALER, DIR., TX DCJ

12-6760 HAYNES, ANTHONY C. V. THALER, DIR., TX DCJ

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Trevino v. Thaler*, 569 U.S. ____ (2013).

12-6794 MANCILL, DURWYN V. FREEMAN, WARDEN, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *McQuiggin v. Perkins*, 569 U.S. ____ (2013).

12-7612 GATES, BILL D. V. THALER, DIR., TX DCJ

12-7657 NEWBURY, DONALD K. V. THALER, DIR., TX DCJ

The motions of petitioners for leave to proceed *in forma*

pauperis and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Trevino v. Thaler*, 569 U.S. ____ (2013).

12-7892 BURNSIDE, WILLIAM D. V. WALTERS, T., ET AL.

The motion of petitioner to remand is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *LaFountain v. Harry*, No. 11-1496, 2013 WL 2221569 (CA6, May 22, 2013).

12-8093 STRATTON, ROBERT V. COLEMAN, SUPT., FAYETTE, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Third Circuit for further consideration in light of *McQuiggin v. Perkins*, 569 U.S. ____ (2013).

12-8582 DANSBY, RAY V. HOBBS, DIR., AR DOC

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eighth Circuit for further consideration in light of *Trevino v. Thaler*, 569 U.S. ____ (2013).

ORDERS IN PENDING CASES

12M125 THOMPSON, DIONNE K. V. MORRIS HEIGHTS HEALTH CENTER

12M126 FORMILIEEN, ALIX V. BEAU DIETL & ASSOCIATES, INC.

12M127 NAKAGAWA, CARL A. V. NORTH RANGE BEHAVIORAL HEALTH

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

12M128 IN RE GRAND JURY PROCEEDINGS No. 4-10

The motion of petitioner for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

12M129 MORRIS, CAROL J. V. USDC DC

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

12-11 RYAN, DIR., AZ DOC V. JAMES, STEVEN C.

The motion of respondent to retax costs is granted.

12-9748 DELEON, ALBANIA V. UNITED STATES

12-10093 ALEX, CHRISTOPHER D. V. MABUS, SEC. OF NAVY

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until June 24, 2013, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

12-873 LEXMARK INTERNATIONAL, INC. V. STATIC CONTROL COMPONENTS, INC.

12-1038 UNITED STATES V. APEL, JOHN D.

The petitions for writs of certiorari are granted.

CERTIORARI DENIED

12-802 BEHENNA, MICHAEL C. V. UNITED STATES

12-885 THOMPSON, WARDEN V. HARRIS, NICOLE

12-935 AMERICAN INDEP. MINES, ET AL. V. DEPT. OF AGRICULTURE

12-1060 HELENA SAND AND GRAVEL V. LEWIS AND CLARK PLANNING

12-1145 CLEMENTS, WARDEN V. RAY, ELLIOT D.
 12-1187 HASSAN, ABDUL K. V. COLORADO, ET AL.
 12-1188 WHITEHEAD, WILBUR D. V. CHESAPEAKE OPERATING, ET AL.
 12-1189 GRANT, BRIAN, ET AL. V. FIA CARD SERVICES
 12-1197 PG PUBLISHING CO. V. AICHELE, CAROL, ET AL.
 12-1198 MOTEN, IRMA V. BROWARD CTY. MEDICAL EXAMINER
 12-1215 FLINT, EDWARD H. V. COACH HOUSE, INC., ET AL.
 12-1222 SUDLER, TERENCE, ET AL. V. NEW YORK, NY, ET AL.
 12-1240 GILES, MICHAEL J. V. FLORIDA
 12-1305 NATIONAL WINE & SPIRITS, ET AL. V. ERNST & YOUNG, LLP
 12-1307) FORDHAM, JOHN D. V. UNITED STATES
)
 12-9978) WILLIAMS, ROBIN L. V. UNITED STATES
 12-1310 MITCHELL, MICHAEL A. V. UNITED STATES
 12-1323 ROTHENBERG, STANLEY G. V. UNITED STATES
 12-5437 ORTIZ, ARBOLEDA A. V. UNITED STATES
 12-7973 DOMINGUEZ-COLON, ANTHONY V. UNITED STATES
 12-8150 CURNUTT, WARREN V. LESTER, WARDEN
 12-8436 LAMPON, MIGUEL V. LaVALLEY, SUPT., CLINTON
 12-8507 GREEN, GARY V. TEXAS
 12-8738 KNIGHT, SYLVESTER V. UNITED STATES
 12-8783 ISAACSON, EUGENE E. V. BERRIGAN, SHAWN, ET AL.
 12-8906 SIMS, MICHAEL J. V. HOUSTON, DIR., NE DOC
 12-9042 HARDY, JOHN M. V. THOMAS, COMM'R, AL DOC
 12-9242 MANOS, THEODORE V. UNITED STATES
 12-9456 GIRALDO, MIGUEL V. FLORIDA
 12-9461 ROBINSON, HERBERT A. V. WILSON, JILL, ET AL.
 12-9474 KUMVACHIRAPITAG, SUKIT V. GATES, BILL, ET AL.
 12-9475 BOND, KEVIN T. V. RIVARD, WARDEN

12-9477 COLEMAN, WILLIAM V. LEE, SUPT., GREEN HAVEN
12-9480 MARKOGLU, ANESTI V. FEDERATED FINANCIAL CORP.
12-9482 RICHWINE, RICHARD D. V. ROMERO, WARDEN
12-9488 LUH, TODD J. V. MISSOURI
12-9504 HOPPER, DANNY D. V. WYANT, EDDIE J., ET AL.
12-9506 HUGHES, PHIL A. V. OK DOT, ET AL.
12-9513 HARPER, HENRY N. V. PADDEN, DANIEL G., ET AL.
12-9515 VICTOR, KIM L. V. DOSSON, DOUGLAS C., ET AL.
12-9516 LAVIGNE, JOSEPH H. V. McBRIDE, WARDEN
12-9523 GRESHAM, MICHAEL V. CAPELLO, WARDEN
12-9530 CONFECTIONER, SAMUEL L. V. BEARD, SEC., CA DOC
12-9534 GSSIME, SAID V. MARTUSCELLO, SUPT., COXSACKIE
12-9535 FRANKLIN, TOM V. FORT WORTH, TX, ET AL.
12-9536 HOUSTON, DARRIN D. V. TEXAS
12-9538 GUEBARA, RUFINO V. FLORIDA
12-9540 GRAY, DEREK V. MISSISSIPPI
12-9543 GONI, FIDEL P. V. FLORIDA
12-9546 HAYES, ALBERT V. TILTON, WARDEN
12-9548 HAMMOND, EUGENE V. GEORGIA
12-9554 NGUYEN, TRI T. V. FRANKLIN CTY. SHERIFFS DEPT.
12-9555 McCALL, KAREN A. V. KENDALL, SUPT., LEATH
12-9561 ONEGA, JOHNNY V. LEE, SUPT., GREEN HAVEN
12-9563 NAM, DUONG V. ALMAGER, WARDEN
12-9565 HERBERT, ROGER V. DICKHAUT, SUPT., SOUZA
12-9567 CARR, CORINE V. UNITED STATES
12-9574 ROY, RASHID V. DELAWARE
12-9575 SORENSON, ERIC V. MN DOC, ET AL.
12-9577 SUTTON, T. J. V. RAPELJE, WARDEN

12-9580 MOHIUDDIN, AHSAN V. CMRE FINANCIAL SERVICES INC.
 12-9585 BELL, ARTHUR V. HOFFNER, WARDEN
 12-9631 CREDICO, JUSTIN M. V. UNKNOWN EMPLOYEE HOUSTON FBI
 12-9646 MUNSON, TIMOTHY V. ROCK, SUPT., UPSTATE, ET AL.
 12-9652 STOUT, JAMES P. V. TENNESSEE
 12-9702 DANNER, GARY A. V. FLORIDA
 12-9774 GEBREZGIABHER, TEKLEZGI V. KREMER, WARDEN
 12-9779 MEJIA, JOSHUA M. V. BITER, WARDEN
 12-9783 SERRANO, BENJAMIN V. DICKHAUT, SUPT., SOUZA
 12-9788 VASQUEZ, JOSE M. V. KLIE, FRED
 12-9803 BUTLER, THOMAS I. V. CALIFORNIA
 12-9805 RYAHIM, CHARLES A. V. HOBBS, DIR., AR DOC, ET AL.
 12-9838 LAWSON, JAMES D. V. BECKSTROM, WARDEN
 12-9875 ROBINSON, SCOTTIE V. McCABE, WARDEN
 12-9922) CALHOUN, MARK J. V. UNITED STATES
)
 12-10100) KENNEDY, KEITH M. V. UNITED STATES
 12-9925 PAYTON, MARSHA L. V. DEPT. OF HOMELAND SECURITY
 12-9956 CHAPMAN, TAMORAH L. V. LEW, SEC. OF TREASURY
 12-9957 BROWN, DANNY C. V. SOUTH CAROLINA
 12-9961 BROCKINGTON, MICHAEL V. CREWS, SEC., FL DOC
 12-9962 SEBREROS-CASTRO, VICTOR A. V. UNITED STATES
 12-9963 SHORES, MARK V. UNITED STATES
 12-9988 HARRIS, KENNETH L. V. UNITED STATES
 12-9995 CARRILLO, J. ROJELIO T. V. UNITED STATES
 12-10008 PEAVY, EDWIN V. UNITED STATES
 12-10012 LOVE, MICHAEL V. UNITED STATES
 12-10018 GRAY, LEVONIA T. V. UNITED STATES
 12-10028 BERRY, STACY L. V. UNITED STATES

12-10034 GARRETT, TRACY V. UNITED STATES
12-10036 GONZALEZ, OSVALDO F. V. UNITED STATES
12-10040 ZOGHEIB, RALPH I. V. UNITED STATES
12-10041 TORRES, ANA V. UNITED STATES
12-10043 KAUFMAN, ANDRE V. USDC ED TN
12-10047 JACKSON, ANTWAN V. UNITED STATES
12-10048 MARTORANO, GEORGE V. UNITED STATES
12-10051 RICHARDSON, RONALD J. V. UNITED STATES
12-10062 SOUTH, MICHAEL R. V. UNITED STATES
12-10063 TATIS-NUNEZ, SATURNINO V. UNITED STATES
12-10064) PETERSON, ANTHONY V. UNITED STATES
)
12-10105) MUHAMMAD, ANTHONY V. UNITED STATES
12-10068 DAVIS, DONALD V. UNITED STATES
12-10070 GIBBS, DARYL V. UNITED STATES
12-10071) PATTON, OMARI H. V. UNITED STATES
)
12-10113) LEE, GARY V. UNITED STATES
12-10076 BOND, WALTER L. V. UNITED STATES
12-10079 POLANCO, GERMAN D. V. UNITED STATES
12-10080 RAMSEY, MICHAEL D. V. UNITED STATES
12-10083 FLEMING, MARJUAN S. V. UNITED STATES
12-10085 GRAHAM, FRANKLIN V. UNITED STATES
12-10091 ATKINS, CHRISTOPHER J. V. UNITED STATES
12-10095 BLOUNT, ETOYI M. V. UNITED STATES
12-10096 AQUINO-LOPEZ, NORBERTO V. UNITED STATES
12-10102 RUDOW, CHRISTOPHER M. V. UNITED STATES
12-10118 SELLERS, ANTHONY V. UNITED STATES
12-10121 TUM, ABDELA V. UNITED STATES
12-10122 SCOTT, BRIAN E. V. UNITED STATES

12-10123 BROXMEYER, TODD J. V. UNITED STATES
12-10128 ALMAZAN-BECERRA, JULIO V. UNITED STATES
12-10135 OLIVER, WINSTON S. V. UNITED STATES
12-10136 PAREDES, RAFAEL V. UNITED STATES
12-10142 WIMBERLY, THOMAS V. UNITED STATES
12-10143 WOOD, LINWOOD C. V. UNITED STATES
12-10145 WOODS, ROY D. V. UNITED STATES
12-10150 JESUS-CASTENEDA, JORGE V. UNITED STATES
12-10157 DOBY, SHAWN B. V. UNITED STATES
12-10161 POLANCO, MARINO V. UNITED STATES
12-10162 MITCHELL, RODNEY A. V. UNITED STATES
12-10163 CRUZ, JOSE V. UNITED STATES

The petitions for writs of certiorari are denied.

12-894 RYAN, DIR., AZ DOC V. RUNNINGEAGLE, SEAN B.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

12-1190 RYAN, DIR., AZ DOC V. LAMBRIGHT, JOE L.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

12-1196 SHEIKH, REHAN V. CISCO SYSTEMS, INC.

The petition for a writ of certiorari is denied. Justice Breyer took no part in the consideration or decision of this petition.

12-1241 CLAYWORTH, JAMES R., ET AL. V. PFIZER, INC., ET AL.

12-1318 SECREST, LINDA V. MERCK, SHARP & DOHME CORP.

12-9462 SIMPSON, DANETTA L. V. JP MORGAN CHASE, ET AL.

The petitions for writs of certiorari are denied. Justice Alito took no part in the consideration or decision of these petitions.

12-9505 HELTON, KRIS E. V. CREWS, SEC., FL DOC

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

12-9552 GARCIA, DAVID V. NEW YORK

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

12-9604 BERRYMAN, RODNEY V. CHAPPELL, WARDEN

The petition for a writ of certiorari before judgment is denied.

HABEAS CORPUS DENIED

12-10130 IN RE SAMIR ALLOUSH

12-10139 IN RE KARL R. THORPE

12-10184 IN RE JAMES LUEDTKE

12-10195 IN RE DAI NGUYEN

12-10221 IN RE JOSE C. RODRIQUEZ, JR.

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

12-9489 IN RE TODD J. LUH

The petition for a writ of mandamus is denied.

12-9529 IN RE DANIEL E. COBBLE

12-9603 IN RE AHMAD M. AJAJ

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of mandamus are dismissed. See Rule 39.8.

REHEARINGS DENIED

12-939 ARMATAS, PANAGIOTIS V. MAROULLETI, ELENA, ET AL.

12-993 OCHOA, VICTOR M. V. HOLDER, ATT'Y GEN.

12-1108 BYRD, ALVIN W. V. UNITED STATES

12-7124 ADAMS, SARAH V. FLORIDA

12-7394 LOMBARDO, JOSEPH V. UNITED STATES

12-7498 LOCKWOOD, JENIFER A. V. FLORIDA

12-7620 CASTLEBERRY, MELISSA V. FLORIDA

12-8026 PHILLIPS, DELORIS V. UNITED PARCEL SERVICE

12-8461 GREEN, DONALD V. LOCKETT, WARDEN

12-8480 FIELDS, CHARLES A. V. MILLER, WARDEN

12-8585 HAGBERG, BLENDIA K. V. LAKES BROADCASTING GROUP, ET AL.

12-8623 ROY, SONY V. BOARD OF COUNTY COMM'RS, ET AL.

12-8639 COLEMAN, ANTHONY L. V. THALER, DIR., TX DCJ

12-8650 LOWE, CHERI V. FLORIDA

12-8713 MOORE, KEVIN D. V. U.S. MARSHAL

12-8985 GIBSON, JOSEPH L. V. OLIVER, WARDEN

12-8996 HELLSTRON, ELIZABETH V. FLORIDA

12-9071 CROCKETT, ANDRENA D. V. UNITED STATES

12-9105 CABRERA, JORGE L. V. UNITED STATES

The petitions for rehearing are denied.

12-7559 McCORVEY, JAMES C. V. YOUNG, WARDEN

The petition for rehearing is denied. Justice Kagan took no part in the consideration or decision of this petition.

Per Curiam

SUPREME COURT OF THE UNITED STATES

NEVADA, ET AL., PETITIONERS *v.* CALVIN
O'NEIL JACKSON

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

No. 12–694. Decided June 3, 2013

PER CURIAM.

In this case, the Court of Appeals held that respondent, who was convicted of rape and other serious crimes, is entitled to relief under the federal habeas statute because the Supreme Court of Nevada unreasonably applied clearly established Supreme Court precedent regarding a criminal defendant's constitutional right to present a defense. At his trial, respondent unsuccessfully sought to introduce evidence for the purpose of showing that the rape victim previously reported that he had assaulted her but that the police had been unable to substantiate those allegations. The state supreme court held that this evidence was properly excluded, and no prior decision of this Court clearly establishes that the exclusion of this evidence violated respondent's federal constitutional rights. The decision of the Court of Appeals is therefore reversed.

I

Respondent Calvin Jackson had a tumultuous decade-long romantic relationship with Annette Heathmon. In 1998, after several previous attempts to end the relationship, Heathmon relocated to a new apartment in North Las Vegas without telling respondent where she was moving. Respondent learned of Heathmon's whereabouts, and on the night of October 21, 1998, he visited her apartment. What happened next was the focus of respondent's trial.

Heathmon told police and later testified that respondent

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forced his way into her apartment and threatened to kill her with a screwdriver if she did not have sex with him. After raping Heathmon, respondent hit her, stole a ring from her bedroom, and dragged her out of the apartment and toward his car by the neck and hair. A witness confronted the couple, and respondent fled. Police observed injuries to Heathmon's neck and scalp that were consistent with her account of events, and respondent was eventually arrested.

Although respondent did not testify at trial, he discussed Heathmon's allegations with police shortly after his arrest, and his statements were admitted into evidence at trial. Respondent acknowledged that Heathmon might have agreed to have sex because the two were alone and "she was scared that [he] might do something," Tr. 305, but he claimed that the sex was consensual. Respondent also admitted striking Heathmon inside the apartment but denied pulling her outside by the neck and hair.

Shortly before trial, Heathmon sent the judge a letter recanting her prior accusations and stating that she would not testify. She went into hiding, but police eventually found her and took her into custody as a material witness. Once in custody, Heathmon disavowed the letter and agreed to testify. When asked about the letter at trial, she stated that three of respondent's associates had forced her to write it and had threatened to hurt her if she appeared in court.

At trial, the theory of the defense was that Heathmon had fabricated the sexual assault and had reported it to police in an effort to control respondent. To support that theory, the defense sought to introduce testimony and police reports showing that Heathmon had called the police on several prior occasions claiming that respondent had raped or otherwise assaulted her. Police were unable to corroborate many of these prior allegations, and in several cases they were skeptical of her claims. Although

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the trial court gave the defense wide latitude to cross-examine Heathmon about those prior incidents, it refused to admit the police reports or to allow the defense to call as witnesses the officers involved. The jury found respondent guilty, and he was sentenced to life imprisonment.

Respondent appealed his conviction to the Nevada Supreme Court, arguing, among other things, that the trial court's refusal to admit extrinsic evidence relating to the prior incidents violated his federal constitutional right to present a complete defense, but the Nevada Supreme Court rejected that argument.

After exhausting his remedies in state court, respondent filed a federal habeas petition, again arguing that the trial court's ruling had violated his right to present a defense. Applying AEDPA's deferential standard of review, the District Court denied relief, but a divided panel of the Ninth Circuit reversed. 688 F. 3d 1091 (2012). The majority held that extrinsic evidence of Heathmon's prior allegations was critical to respondent's defense, that the exclusion of that evidence violated respondent's constitutional right to present a defense, and that the Nevada Supreme Court's decision to the contrary was an unreasonable application of this Court's precedents. *Id.*, at 1097–1101. Although it acknowledged that the state court had ruled that the evidence was inadmissible as a matter of state law, the Ninth Circuit concluded that the impact of the State's rules of evidence on the defense “was disproportionate to the state's interest in . . . exclusion.” *Id.*, at 1101–1104. Finding that the trial court's erroneous evidentiary ruling was not harmless, *id.*, at 1104–1106, the Ninth Circuit ordered the State either to retry or to release respondent.

II

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) authorizes a federal habeas court to grant

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relief to a prisoner whose state court conviction “involved an unreasonable application of . . . clearly established Federal law, as determined by the Supreme Court of the United States.” 28 U. S. C. §2254(d)(1). It is settled that a federal habeas court may overturn a state court’s application of federal law only if it is so erroneous that “there is no possibility fairminded jurists could disagree that the state court’s decision conflicts with this Court’s precedents.” *Harrington v. Richter*, 562 U. S. ___, ___ (2011) (slip op., at 13). Applying that deferential standard, we conclude that the Nevada Supreme Court’s decision was reasonable.

“[T]he Constitution guarantees criminal defendants ‘a meaningful opportunity to present a complete defense,’” *Crane v. Kentucky*, 476 U. S. 683, 690 (1986) (quoting *California v. Trombetta*, 467 U. S. 479, 485 (1984)), but we have also recognized that “‘state and federal rulemakers have broad latitude under the Constitution to establish rules excluding evidence from criminal trials,’” *Holmes v. South Carolina*, 547 U. S. 319, 324 (2006) (quoting *United States v. Scheffer*, 523 U. S. 303, 308 (1998)). Only rarely have we held that the right to present a complete defense was violated by the exclusion of defense evidence under a state rule of evidence. See 547 U. S., at 331 (rule did not rationally serve any discernible purpose); *Rock v. Arkansas*, 483 U. S. 44, 61 (1987) (rule arbitrary); *Chambers v. Mississippi*, 410 U. S. 284, 302–303 (1973) (State did not even attempt to explain the reason for its rule); *Washington v. Texas*, 388 U. S. 14, 22 (1967) (rule could not be rationally defended).

As the Ninth Circuit conceded, “[t]he Nevada Supreme Court recognized and applied the correct legal principle.” 688 F. 3d, at 1097. But contrary to the Ninth Circuit’s conclusion, the State Supreme Court’s application of our clearly established precedents was reasonable. The starting point in the state court’s analysis was a state statute

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that generally precludes the admission of extrinsic evidence of “[s]pecific instances of the conduct of a witness, for the purpose of attacking or supporting the witness’ credibility, other than conviction of crime.” App. to Pet. for Cert. 66; see Nev. Rev. Stat. §50.085(3) (2011). The purpose of that rule, the Nevada Supreme Court has explained, “is to focus the fact-finder on the most important facts and conserve ‘judicial resources by avoiding mini-trials on collateral issues.’” *Abbott v. State*, 122 Nev. 715, 736, 138 P. 3d 462, 476 (2006) (quoting *State v. Long*, 140 S. W. 3d 27, 30 (Mo. 2004)). These are “good reason[s]” for limiting the use of extrinsic evidence, *Clark v. Arizona*, 548 U. S. 735, 770 (2006), and the Nevada statute is akin to the widely accepted rule of evidence law that generally precludes the admission of evidence of specific instances of a witness’ conduct to prove the witness’ character for untruthfulness. See Fed. Rule Evid. 608(b); C. Mueller & L. Kirkpatrick, *Evidence* §6.27, pp. 497–499 (4th ed. 2009). The constitutional propriety of this rule cannot be seriously disputed.

As an exception to the prohibition contained in Nev. Rev. Stat. §50.085(3), the Nevada Supreme Court held in *Miller v. State*, 105 Nev. 497, 499–500, 779 P. 2d 87, 88–89 (1989), that “in a sexual assault case defense counsel may cross-examine a complaining witness about previous fabricated sexual assault accusations and, if the witness denies making the allegations, may introduce extrinsic evidence to prove that fabricated charges were made by that witness in the past.” App. to Pet. for Cert. 66. But in order to introduce evidence showing that the witness previously made false allegations, the defendant must file written notice, and the trial court must hold a hearing. *Miller, supra*, at 501, 779 P. 2d, at 90. Respondent did not file the requisite notice, and the State Supreme Court upheld the exclusion of evidence of prior sexual assault complaints on this basis.

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No decision of this Court clearly establishes that this notice requirement is unconstitutional. Nor, contrary to the reasoning of the Ninth Circuit majority, see 688 F. 3d, at 1103–1104, do our cases clearly establish that the Constitution requires a case-by-case balancing of interests before such a rule can be enforced. The decision on which the Ninth Circuit relied, *Michigan v. Lucas*, 500 U. S. 145 (1991), is very far afield. In that case, we reversed a decision holding that the Sixth Amendment categorically prohibits the enforcement of a rule that required a rape defendant to provide pretrial notice if he wished to introduce evidence of his prior sexual relationship with the complaining witness. The Court did not even suggest, much less hold, that it is unconstitutional to enforce such a rule unless a case-by-case balancing of interests weighs in favor of enforcement. Instead, the Court “express[ed] no opinion as to whether or not preclusion was justified in th[at] case” and left it for the state courts to address that question in the first instance. *Id.*, at 153. No fair-minded jurist could think that *Lucas* clearly establishes that the enforcement of the Nevada rule in this case is inconsistent with the Constitution.

Some of the evidence that respondent sought to introduce concerned prior incidents in which the victim reported that respondent beat her up but did not sexually assault her, and the state supreme court did not view its *Miller* decision as applying in such circumstances. But the state court did not simply invoke the rule set out in Nev. Rev. Stat. §50.085(3). Rather, the court reasoned that the proffered evidence had little impeachment value because at most it showed simply that the victim’s reports could not be corroborated. The admission of extrinsic evidence of specific instances of a witness’ conduct to impeach the witness’ credibility may confuse the jury, unfairly embarrass the victim, surprise the prosecution, and unduly prolong the trial. No decision of this Court clearly estab-

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lishes that the exclusion of such evidence for such reasons in a particular case violates the Constitution.

In holding that respondent is entitled to habeas relief, the Ninth Circuit pointed to two of its own AEDPA decisions in which it granted habeas relief to state prisoners who were not allowed to conduct a full cross-examination of the witnesses against them. 688 F. 3d, at 1098–1101 (discussing *Fowler v. Sacramento Cty. Sheriff’s Dept.*, 421 F. 3d 1027, 1035–1038 (CA9 2005) and *Holley v. Yarborough*, 568 F. 3d 1091, 1098–1101 (CA9 2009)). Those cases in turn relied on Supreme Court decisions holding that various restrictions on a defendant’s ability to *cross-examine* witnesses violate the Confrontation Clause of the Sixth Amendment. See, e.g., *Olden v. Kentucky*, 488 U. S. 227, 231 (1988) (*per curiam*); *Delaware v. Van Arsdall*, 475 U. S. 673, 678–679 (1986); *Davis v. Alaska*, 415 U. S. 308, 315–316 (1974). But this Court has never held that the Confrontation Clause entitles a criminal defendant to introduce *extrinsic evidence* for impeachment purposes. See *Delaware v. Fensterer*, 474 U. S. 15, 22 (1985) (*per curiam*) (observing that “the Confrontation Clause is generally satisfied when the defense is given a full and fair opportunity to . . . expose [testimonial] infirmities through cross-examination”). See also *Jordan v. Warden*, 675 F. 3d 586, 596 (CA6 2012); *Brown v. Ruane*, 630 F. 3d 62, 70 (CA1 2011).

The Ninth Circuit elided the distinction between cross-examination and extrinsic evidence by characterizing the cases as recognizing a broad right to present “evidence bearing on [a witness]’ credibility.” 688 F. 3d, at 1099. By framing our precedents at such a high level of generality, a lower federal court could transform even the most imaginative extension of existing case law into “clearly established Federal law, as determined by the Supreme Court.” 28 U. S. C. §2254(d)(1). In thus collapsing the distinction between “an *unreasonable* application of federal law” and

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what a lower court believes to be “an *incorrect* or *erroneous* application of federal law,” *Williams v. Taylor*, 529 U. S. 362, 412 (2000), the Ninth Circuit’s approach would defeat the substantial deference that AEDPA requires.

The petition for a writ of certiorari and respondent’s motion to proceed *in forma pauperis* are granted. The judgment of the United States Court of Appeals for the Ninth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.