No.

IN THE

Supreme Court of the United States

ALVARO QUEZADA,

Petitioner,

v.

JAMES HILL,

Respondent.

On Petition for a Writ of
Certiorari to the United States
Court of Appeals
for the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Petitioner Alvaro Quezada is serving life without the possibility of parole for his alleged involvement in the murder of his cousin's husband, Bruce Cleland, based on the testimony of Joseph Aflague, "the only witness that linked Quezada directly to the murder . . . ." After Aflague revealed for the first time at trial that he had worked in the past as an informant, but swore he was expecting nothing for his testimony in Quezada's case, post-conviction productions of previously undisclosed information revealed Aflague's constant reliance on law enforcement for funds in exchange for his cooperation, including at the time of, and "intertwined" with, Quezada's trial, triggering habeas claims under *Napue v. Illinois*, 360 U.S. 264 (1959) and *Brady v. Maryland*, 373 U.S. 83 (1963).

But when presented with this evidence, the state court failed to perform the *Napue* analysis this Court required in *Glossip v. Oklahoma*, 145 S. Ct. 612 (2025), and the district court overruled the lookthrough presumption and held instead that the claim had been silently denied on its merits without assessing the state court's opinion. The Ninth Circuit then summarily denied even a certificate of appealability ("COA"), effectively deeming these decisions "not even debatable." *Buck v. Davis*, 580 U.S. 100, 116 (2017).

The question presented is thus: did the Ninth Circuit's summary denial of a COA here so clearly misapply *Glossip*'s mandate regarding *Napue* and *Buck*'s modest standard for granting a COA as to call for reversal and remand?

RELATED PROCEEDINGS

U.S. Court of Appeals for the Ninth Circuit
Quezada v. Hill, No. 24-1797 (Mar. 7, 2025)

U.S. District Court for the Central District of California
Quezada v. Scribner, No. 2:2004-cv-07532 (Feb. 21, 2024)

California Supreme Court (on habeas)
In re Quezada, No. S257684 (Jan. 22, 2020)

California Court of Appeal (on habeas)
In re Quezada, No. B298971 (Jul. 24, 2019)

Los Angeles County Superior Court (on habeas)
In re Quezada, No. BA163991 (May 20, 2019)

U.S. Court of Appeals for the Ninth Circuit
Quezada v. Scribner, No. 13-55750 (Mar. 26, 2015)

U.S. Court of Appeals for the Ninth Circuit
Quezada v. Scribner, No. 08-55310 (Jul. 16, 2010)

California Supreme Court (on habeas)
In re Quezada, No. S146212 (Apr. 11, 2007)

California Court of Appeal (on habeas)
In re Quezada, No. B190651 (Aug. 21, 2006)

Los Angeles County Superior Court (on habeas)
In re Quezada, No. BA163991 (Feb. 21, 2006)

California Supreme Court (on appeal)
People v. Cleland, No. S117252 (Aug. 27, 2003)

California Court of Appeal (on appeal)
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PETITION FOR WRIT OF CERTIORARI

Petitioner Alvaro Quezada ("Quezada" or "Petitioner") petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit, number 24-1797, entered on March 7, 2025. (Petitioner's Appendix ("Pet. App.") A-1.)

OPINIONS BELOW

The Ninth Circuit's order denying Quezada's request for a certificate of appealability was unreported. (Petitioner's Appendix ("Pet. App.") A-1.) The district court's final judgment (Pet. App. B-2), order adopting the magistrate judge's report and recommendation and denying relief (Pet. App. C-3–4), order denying a certificate of appealability (Pet. App. D-5–7), and said report and recommendation (Pet. App. E-8–91) are unreported. The most recent round of state habeas denials (Pet. Apps. F-92, G-93, H-94–103), including the state courts' last reasoned opinion (Pet. App. H-94–103) are unreported.

The remaining opinions and orders are reproduced in the appendix as indicated in the table of contents. Of those, the only opinion that is reported is the Ninth Circuit's Order remanding Quezada's case for a determination of whether his then newly-discovered *Brady* claim was exhausted or procedurally barred, dated July 16, 2010 and reported at 611 F.3d 1165. (Pet. App. S-186–91.)

JURISDICTION

The Ninth Circuit denied a certificate of appealability on March 7, 2025. (Pet. App. A-1.) This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Due Process Clause of the Fourteenth Amendment provides:

> [N]or shall any State deprive any person of life, liberty, or property, without due process of law.

28 U.S.C. § 2253(c) provides:

> **(1)** Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—
>
> > **(A)** the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or
> > **(B)** the final order in a proceeding under section 2255.
>
> **(2)** A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

28 U.S.C. § 2254 provides:

> **(d)** An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—
>
> > **(1)** resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
> > **(2)** resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

STATEMENT OF THE CASE

A. The Offense

Bruce Cleland was shot to death in the early hours of July 26, 1997, while riding home with his estranged wife Rebecca Cleland. Residents near the scene

reported hearing the shooting, seeing someone running away from where the shots were heard, and hearing a car speed away, though no one was able to describe or identify the car or its driver. Rebecca said they had been jumped while Bruce pulled over and got out to check on a problem with the car, and that she was knocked out and awoke to find he had been shot.

That night, Bruce and Rebecca were meeting up to have dinner to talk about their estrangement. While Rebecca was out with Bruce, she exchanged several phone calls with Quezada on their cell phones. After dinner, she and Bruce went to her uncle's–Quezada's father's–house, whom Rebecca treated like her own father, and she spoke with Quezada a few more times on the landline while she, Bruce, and her uncle had a few drinks. She and Bruce were on her way home from her uncle's house when the shooting took place.

B. The Trial

The prosecution's theory of the case was that Petitioner Alvaro Quezada, who was close with Rebecca, and his brother Jose Quezada, who needed money, conspired with Rebecca to kill Bruce for his money, with Jose acting as the shooter and Quezada acting as the getaway driver, but most all of the evidence in the case was circumstantial.

At trial, several witnesses testified that Rebecca was dismissive of Bruce, spent his money lavishly while cheating on him, had talked of plans to divorce him or accuse him of molesting her son to extort money from him, and even asked someone to help her find someone to kill him. There was also testimony that, at the scene of the shooting, she behaved strangely and complained of being knocked out from a blow to the head despite having no discernible injuries. But, as the California Court of Appeal concluded on direct appeal, "[a]lthough this evidence surely established

[Rebecca's] greed and her poor treatment of Bruce Cleland, none of it tied her directly to the murder." (Pet. App. BB-262.)

For Jose, the prosecution focused on the fact that he was Rebecca's cousin, and that, when law enforcement arrested Jose and Rebecca and put them in a police car together in the hopes of gathering incriminating information, both parties were silent. Indeed, this weaponizing of their silence led to new trials for both Jose and Rebecca, but not Quezada. The prosecution also produced witnesses who said they saw Jose running away from the scene of the shooting and could identify him from the back, but they gave several statements that were inconsistent with one another and with Jose's physical condition at the time of the shooting. The California Court of Appeal described the "eyewitness" testimony as "uncompelling." (Pet. App. BB-262.)

For Quezada, the prosecution focused on salacious and distasteful implications that Quezada's close relationship with his cousin was incestuous. Because Rebecca had asked Quezada to move into her and Bruce's house after kicking Bruce out, they argued that Quezada had a personal stake in helping kill Bruce so he and Rebecca could enjoy his money. In addition, the prosecution argued that the calls between Quezada and Rebecca on the night of the shooting were them getting ready to ambush Bruce, and that many of the calls closest in time to the shooting used a cell tower near the site of the shooting. Quezada also testified on his own behalf, saying that he had broken up with his girlfriend that night and was out drinking. Though several details of the night were fuzzy, his girlfriend confirmed the breakup was that night, as he contacted her upset about Bruce's death the next morning. And Rebecca likewise testified that Quezada had been calling so much because of

the breakup, which the Court of Appeal credited as have "blunt[ed] some of the more damaging evidence" against Rebecca.

The lynchpin of the prosecution's case against Jose and Quezada, though, was the testimony of Joseph Aflague. Aflague was from the same neighborhood where the Quezadas' grandfather lived and knew the Quezadas growing up. He testified that a few months before he learned the brothers had been arrested, Jose approached him to buy drugs and to arrange the acquisition of a gun and a driver because "he had to take care of something." Sometime later, Jose approached Aflague a second time, saying he was no longer in need of a driver because "him and Al were going to take care of it." Aflague was unclear as to the timing of these conversations, placing them at some point in 1996 or 1997, either during the summer or around the holidays.[1]

Aflague admitted under direct examination that he used to make a living selling illegal drugs and guns. On cross examination, Aflague admitted in passing that he "occasionally" worked with "ATF," "narcotics," and "different people." Defense counsel was also able to establish that Aflague had been twice arrested for shoplifting, but Aflague claimed that the crime was part of the work he was doing "on a case" in which he was trying to get close to a criminal. Aflague insisted he got no benefits in exchange for his testimony in the Cleland case.

Quezada, Jose and Rebecca were all convicted of murder, conspiracy to commit murder, lying in wait, and killing for financial gain, and sentenced to life without parole.

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[1] The Court of Appeal on direct appeal noted that Aflague's timing testimony was questionable, as he said Jose approached him about the gun and driver approximately three months before he was arrested, but Jose was arrested seven months after Bruce was killed. (Pet. App. BB-262.)

C. Direct Appeal

On direct appeal, as noted above, Rebecca and Jose's convictions were overturned due to the prosecution's unlawful invocation of their silence in the police car. (Pet. App. BB.) But Quezada's case was held to be unaffected by the invocation and thus was affirmed. (*Id.*) Quezada's petition for review to the California Supreme Court was denied. (Pet. App. AA.)

D. State and Federal Habeas Proceedings

Quezada then learned that Aflague had testified in two other cases, regarding defendants Padilla and Elloqui, about informant arrangements with total compensation far more extensive than the passing reference at Quezada's trial let on, though Quezada had still yet to receive any discovery regarding Aflague's informant status from the prosecution. Quezada filed his federal habeas petition, raising, inter alia, his *Brady* and *Napue* claims, and received a stay from the district court to exhaust the claims that were not yet exhausted. Quezada's first round of state habeas petitions were all denied, with the superior court saying his *Brady* and *Napue* claims were wholly speculative. (Pet. Apps. Z-241–51. Y-240, X-239.) The district court echoed these sentiments, denying the petition but granting a COA on claims other than the *Brady* and *Napue* claims. (Pet. Apps. W-198-238, V-197, U-196, T-192–95.)

While Quezada's case was on appeal to the Ninth Circuit, the state finally began to produce the information on Aflague Quezada had long insisted existed, and he argued that the court should remand his case for an evidentiary hearing. The Ninth Circuit did so in a published order, remanding the case for the district court to hold a hearing to determine if Quezada's *Brady* and *Napue* claims were credible, substantial, exhausted and/or procedurally barred. (Pet. App. S-191.) Around the

same time, *Cullen v. Pinholster*, 131 S. Ct. 1388 (2011), was decided and the State moved for the Ninth Circuit to recall the mandate in light of Pinholster's limitations on the consideration of new evidence in 28 U.S.C. § 2254 cases in light of the Antiterrorism and Effective Death Penalty Act ("AEDPA"). The Ninth Circuit denied the motion, saying the State was free to make that argument to the district court. (Pet. App. Q-184.)

The district court held that *Pinholster* did not prevent review of Quezada's claims, but he still needed to prove cause and prejudice to overcome any actual or potential procedural bar. (Pet. App. P-165–83.) The court thus proceeded with an evidentiary hearing.

The evidentiary hearing on the Aflague's informant history took place in 2012, and involved copious documents produced by the State and the testimony of 15 witnesses. The hearing revealed a long-standing quid pro quo relationship between Aflague and the LAPD, with an established pattern of him being paid relocation funds whenever he testified with only a perfunctory review of the reasons for the requests or if he even actually relocated.

Aflague first came to the attention of the LAPD in 1995 when he was the victim of an attempted homicide. Yet, he received money for the purposes of relocating in 1995, 1997, 1998, 1999, 2000, 2007, and 2009. Aflague testified in 2007 that he had received $25,000 in the preceding ten-year period. The evidence reflected that Aflague received at least $2,414 during the 1995-1998 period. During that same period, he testified against both Padilla and Eulloqui. Even more money was forthcoming in the 1999/2000 period in which Aflague inculpated Quezada. In late May/early June 1999, Aflague was activated as an LAPD informant so that he could be paid even though they were having a hard time acquiring relocation funds to give

him. He received $145 for this work. He also received approximately $2,590 in late June 1999, while he was providing the LAPD with information on various homicides and shootings. On August 11, 1999—within days of providing inculpatory information against Quezada in the Cleland investigation—he was given $595. And on July 13, 2000, he was given $3,200 following his testimony against Quezada. All told, he received around $8,944 from the LAPD in the five years ending with his testimony against Quezada.

Aflague was also defrauding the LAPD regarding his alleged relocations. In 1999, while he was providing information to the LAPD inculpating Quezada, Aflague forged a lease document to justify receipt of $2,100 in relocation funds. Aflague received the funds, but never paid them to his purported landlord. The LAPD learned at that time that Aflague was not actually living at the Covina address the LAPD believed it had relocated him to.

Lastly, Aflague admitted to lying under oath at Quezada's trial regarding his shoplifting charges. During Quezada's trial, the sole impeachment evidence the defense was able to offer against Aflague was a pair of 1999 convictions for shoplifting. Aflague denied shoplifting, explaining that he was working "undercover," "working on a case" that required him to "get close" to the co-perpetrator, Marcus Navarette. At the evidentiary hearing, Aflague admitted the testimony was "not true." Instead, his involvement in the incident was part of a plan to make a weapons deal with Navarette's father. Navarette was closely related to Rene "Boxer" Enriquez, a high-ranking shot caller for the Mexican Mafia, the source of the alleged ongoing "threat" to Aflague's life. Indeed, it turned out that Navarette's mother was Ruth Navarette, Aflague's live-in girlfriend at the time of his 1999 relocation.

At the conclusion of the hearing, the district court held that Quezada had demonstrated cause for the delay in bringing his claims because the underlying facts had been concealed from him by the government. (Pet. App. N-147.) But on the question of prejudice, the court held in the negative, citing Aflague's shady history as impeaching in and of itself, and stating that additional information that he had lied to and/or colluded with law enforcement, as he deemed necessary, for payouts in other cases would not have materially damaged his credibility further. (Pet. App. N-153.) On the *Napue* claim, the court held that Aflague's testimony regarding expecting compensation for Quezada's case was not technically untrue, as the funds he received at the time were ostensibly for a different case, and the relocation he received after Quezada's case was due to new threats, but also that, even if Aflague's testimony was misleading, that it was not prejudicial for the reasons the court gave in its cause and prejudice analysis. (Pet. App. N-157–58.) The Court denied the petition again (Pet. Apps. M-132), but amended its earlier COA to include its procedural default analysis (Pet. App. L-129–30.)

On appeal, the Ninth Circuit once again remanded for the district court to determine *whether* the claims were exhausted and, if so, *whether* they were procedurally barred. (Pet. App. K-119–28.) The district court ordered another stay and required Quezada to return to state court to exhaust the evidence from the evidentiary hearing. (Pet. Apps. J-108–18, I-104–07.) These exhaustion proceedings led to the operative decisions at issue in this petition.

The Los Angeles County Superior Court denied Quezada's petition on the merits in a reasoned opinion. The superior court's summary of the facts started with a baffling reference to a true-crime retelling of the crime that was most certainly not a part of the record: "[t]he sad history of this case is detailed in Honeymoon with a

Killer, a true-crime book by Don Lasseter (Pinnacle Books, 2009.)" (Pet. App. H-95.) The court then spent the next several pages summarizing the evidence presented at trial. (Pet. App. H-95–100.) With regard to the copious evidence Quezada presented regarding Joseph Aflague, the court summarized the procedural history from the federal case, but did not discuss any of the evidence presented regarding Aflague. (Pet. App. H-100–01.) The court then stated, in relevant part, as follows:

> On July 19. 2017, Petitioner filed the instant petition for habeas relief. He now challenges the conclusion reached by Magistrate Judge Goldman, and accepted by District Court Judge Lew, that the impeaching evidence about Aflague discovered after trial would not have influenced the jury to acquit him. He claims the impeaching evidence "decimates" Aflague's credibility[,] that Aflague's trial testimony was false, and he was denied his right to a fair trial.
>
> The Court is not persuaded. The Court accepts and concurs in the magistrate's conclusion that had all the previously unknown impeaching evidence about Joseph Aflague been known to the jury it is not reasonably probable it would have led to a different result in Petitioner's trial. Aflague's trial testimony had little to do with Petitioner, but focused principally on his contacts with Petitioner's brother Jose. Aflague's testimony that Jose initially asked him to find a driver to do the "hit," but later told him that he would be unnecessary because Petitioner had agreed to drive was brief and unchallenged. The Court is convinced that it was the other evidence of Petitioner's involvement in the murder conspiracy that led to his conviction.

(Pet. App. H-101.) The court further stated that "this Court remains convinced that full and complete disclosure of the post-trial discovered impeaching evidence of

Joseph Aflague would not have altered the jury's verdict," and that "[w]hile helpful to the prosecution, Joseph's Aflague's testimony was not essential to proof of Petitioner's guilt." (Pet. App. H-102.) The California Court of Appeal and the California Supreme Court again issued summary denials. (Pet. Apps. G-93, F-92.)

Upon Quezada's return to federal court, the parties briefed his *Brady* and *Napue* claims once more. The magistrate judge recommended denial of the claims in her Report and Recommendation (the "Report"). (Pet. App. E-8–91.) In setting forth its standard of review, the Report acknowledged that the parties disagreed about whether 28 U.S.C. § 2254(d) applied to Quezada's *Napue* claim. But the court misconstrued Quezada's argument as one that the state court overlooked the claim, when Quezada had in fact argued that the state court failed to apply clearly established federal law to the claim. (Pet. App. E-26.) The court therefore held that the state court's denial of Quezada's *Napue* claim was a silent denial on the merits, requiring the court to seek out "any reasonable argument" for denying Quezada's claim per *Harrington v. Richter*, 562 U.S. 86, 105 (2011). The court then painstakingly construed each piece of evidence proffered by Quezada against him in a manner reminiscent of a sufficiency of the analysis review. The district court judge adopted the Report, but also stated that it would deny Petitioner's *Napue* claim, even on de novo review, for the same reasons given by the Report in support of denying the claim under its *Richter*-style AEDPA review. (Pet. App. C-3–4.) The court also denied a COA. (Pet. App. D-5–7.)

This petition follows.

REASONS FOR GRANTING THE WRIT

Review should be granted because the Ninth Circuit plainly misapplied the modest standard for a grant of a certificate of appealability.

As this Court reiterated in *Glossip*, *Napue* requires reversal of a defendant's conviction if "a defendant [can] show that the prosecution knowingly solicited false testimony or knowingly allowed it 'to go uncorrected when it appear[ed]," and if that false testimony "in any reasonable likelihood [could] have affected the judgment of the jury." *Glossip*, 145 S. Ct. 612, 626–27 (2025) (cleaned up). And, with regard to his *Brady* claim, Quezada is entitled to relief if the prosecution suppressed evidence favorable to the defense, "irrespective of the good faith or bad faith of the prosecution," *Brady*, 373 U.S. at 87, and there is "a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different," *Kyles v. Whitley*, 514 U.S. 419, 435 (1995).

In addition, Quezada is entitled to a certificate of appealability if he makes "a substantial showing of the denial of a constitutional right" as to either of these claims. 28 U.S.C. § 2253(c)(2). The test is whether he can show that *any* reasonable jurist could "disagree with the district court's resolution of his constitutional claims." *Buck*, 580 U.S. at 115. Is the claim, in other words, "reasonably debatable"? *Id*. at 117. "A claim can be debatable even though every jurist of reason might agree, after the COA has been granted and the case has received full consideration, that petitioner will not prevail." *Buck*, 580 U.S. at 117 (quoting *Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003)) (cleaned up).

No jurist could reasonably conclude that Quezada failed to meet this low bar here.

A. The state court's denial of Quezada's *Napue* claim was unreasonable.

AEDPA (the Antiterrorism and Effective Death Penalty Act of 1996) applies because Quezada's petition was filed after its enactment. *Lindh v. Murphy*, 521 U.S. 320, 336 (1997). He can therefore win federal habeas relief only if the state court either (1) contravened or unreasonably applied clearly established federal law or (2) unreasonably determined the facts on the evidence before it. 28 U.S.C. § 2254(d). These standards are typically applied to the last reasoned state court decision to decide the claim. *Wilson v. Sellers*, 584 U.S. 122, 125 (2018).

As noted above, the state court's decision was unreasonable in several respects. First, the court inexplicably referred to a true-crime book written for entertainment purposes, *Honeymoon with a Killer*, as though the court had referenced it as part of its decision making. Second, the court despite listing all of Quezada's claims separately, analyzed them all at once, with one prejudice standard, and that standard was either equal to or more stringent than the *Brady* materiality standard. The court does not once mention the "reasonable likelihood standard" that is applicable to *Napue* claims, "which asks what a reasonable decisionmaker would have done with the new evidence." *Glossip*, 145 S. Ct. at 629. This is a failure to apply clearly established federal law. Lastly, even for the *Brady* analysis, the court stated that it was "convinced that it was the other evidence of Petitioner's involvement in the murder conspiracy that led to his conviction." (Pet. App. H-101.) But this Court has also emphasized that *Brady* materiality "is not a sufficiency of evidence test." *Kyles*, 514 U.S. at 434. Thus, here too, the court failed to apply clearly established federal law. At a minimum, whether the court failed to do so is certainly debatable, which is all that is required for a COA to issue.

B. The district court's decision not to review the state court's last reasoned decision for Quezada's *Napue* claim is also highly debatable.

But rather than engage in the analysis provided above, the district court held that the state court overlooked the *Napue* claim the court therefore had to search the record for any reason the state court might have denied the claim. In light of this Court's lookthrough presumption, this decision was also questionable and thus worthy of a certificate of appealability. See *Sellers*, 584 U.S. at 125 ("[W]hen the last state court to decide a prisoner's federal claim explains its decision on the merits in a reasoned opinion . . . a federal habeas court simply reviews the specific reasons given by the state court and defers to those reasons if they are reasonable. We have affirmed this approach time and again.").

C. Both courts' materiality reasoning is debatable on its face.

Lastly, even looking at the merits of the court's materiality findings, it is clear that reasonable jurists could disagree. Indeed, they already have. The Ninth Circuit held in 2010 that Aflague was "the only witness that linked Quezada directly to the murder of Bruce Cleland," (Pet. App. S-190), while the state court called his testimony "helpful" but "not essential" and the district court insisted his testimony was so specious as to be of no weight. This Court has also admonished against such reasoning when performing a *Napue* analysis. *See Glossip*, 145 S. Ct. at 629 (noting that this Court has "reject[ed the] argument that evidence was immaterial because [the] witness's credibility was 'already impugned'"). Such an argument "is self-defeating." *Id.*

The district court also unreasonably ignored the fact that the prosecutor argued to the jury that Aflague had "no reason to lie" and that his testimony was "absolutely devastating " to Quezada, instead opining that this fact could not be weighed because Quezada did not raise a separate vouching claim. This is in direct

contrast to this Court's acknowledgment that the prominence of a piece of evidence or argument in a prosecutor's closing shows how important or material it was to the prosecution's case. *See id.* at 628; *Kyles v. Whitley*, 514 U.S. 419, 444 (1995) ("The likely damage is best understood by taking the word of the prosecutor, who contended during closing arguments that Smallwood and Williams were the State's two best witnesses."). Indeed, as noted above, even the state court described Aflague's testimony as "helpful" to the prosecution's case, though "not essential," demonstrating both reasonable disagreement and the state court's erroneous application of a sufficiency test rather than a materiality test. (Pet. App. H-102.)

Lastly, the strength of the remaining evidence has been disagreed upon by the many courts to look at this case. Recall that, on direct appeal, the court found Rebecca's testimony that Quezada has suffered a breakup that day and wanted to talk to her about it softened the damaging evidence against her, while subsequent courts cast Quezada's break-up and related testimony as a pure fiction and a post-hoc alibi. And the court of appeal held that the eyewitness testimony against Jose was "uncompelling." Given that the case only made sense if the three defendants were in it together, it was unreasonable for the courts not to recognize all of these weaknesses when assessing the potential impact of the *Brady* or *Napue* evidence for Quezada.

Considering all this, it is all but impossible to see how a jurist of reason could *fail* to find the district court's resolution of Quezada's claim at least "debatable." *Buck*, 580 U.S. at 115.

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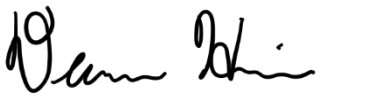
CONCLUSION

For all these reasons, the Court should grant the petition, vacate the Ninth Circuit's order, and remand so that the court of appeals can hear Quezada's appeal.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

Dated: June 5, 2025



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CERTIFICATE OF COMPLIANCE WITH PAGE COUNT LIMITATIONS

I hereby certify that this Petition for a Writ of Certiorari contains approximately 5,613 words, excluding the parts of the document exempted by Supreme Court Rule 33.1(d) and that it complies with the typeface requirement of Supreme Court rule 33.1(b), being prepared in Century Schoolbook 12-point font or the text and 10-point font for the footnotes.

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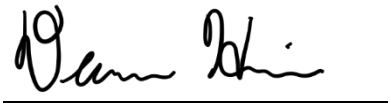
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 5, 2025



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