

**02-964 BALDWIN v. REESE**

Ruling below: CA 9, 282 F.3d 1184.

QUESTION PRESENTED

By statute and this Court's caselaw, a state prisoner must exhaust available state court remedies on direct appeal or through collateral proceedings before a federal court may consider granting habeas corpus relief. This Court has held that exhaustion requires a state prisoner to fairly present his claim to the state's highest court and that fair presentment requires the prisoner to have alerted the state court that the claim is a federal one.

Does a state prisoner "alert" the State's highest court that he is raising a federal claim when - in that court - he neither cites a specific provision of the federal constitution nor cites at least one authority that has decided the claim on a federal basis?

CERT. GRANTED: 5/27/03