

**13-1428 DAVIS V. AYALA**

DECISION BELOW: 756 F.3d 656

LOWER COURT CASE NUMBER: 09-99005

**QUESTION PRESENTED:**

Whether a state court's rejection of a claim of federal constitutional error on the ground that any error, if one occurred, was harmless beyond a reasonable doubt is an "adjudicat[ion] on the merits" within the meaning of 28 U.S.C. § 2254(d), so that a federal court may set aside the resulting final state conviction only if the defendant can satisfy the restrictive standards imposed by that provision.

IN ADDITION TO THE QUESTION PRESENTED BY THE PETITION, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION: "WHETHER THE COURT OF APPEALS PROPERLY APPLIED THE STANDARD ARTICULATED IN *BRECHT v. ABRAHAMSON*. 507 U.S. 619 (1993)."

CERT. GRANTED 10/20/2014