

**09-996 WALKER V. MARTIN**

DECISION BELOW: 357 Fed.Appx. 793

LOWER COURT CASE NUMBER: 08-15752

**QUESTION PRESENTED:**

Under state law in California, a prisoner may be barred from collaterally attacking his conviction when the prisoner "substantially delayed" filing his habeas petition. In federal habeas corpus proceedings, is such a state law "inadequate" to support a procedural bar because (1) the federal court believes that the rule is vague and (2) the state failed to prove that its courts "consistently" exercised their discretion when applying the rule in other cases?

CERT. GRANTED 6/21/2010