

Abstract: Habeas Litigation in U.S. District Courts

Nancy J. King, J.D., Vanderbilt University Law School

Fred L. Cheesman II, Ph.D., National Center for State Courts

Brian J. Ostrom, Ph.D., National Center for State Courts

This project was supported by Award No. 2006-IJ-CX-0020, awarded by the National Institute of Justice, Office of Justice Programs, United States Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice.

This study is the first to provide empirical information about the processing of habeas petitions filed in U.S District Courts by state prisoners under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), information that will be useful to courts and policymakers in assessing habeas law.

The project is a collaborative effort of Vanderbilt University Law School and the National Center for State Courts, with funding from the National Institute of Justice and assistance from an expert Advisory Committee.

Data were collected from 2384 non-capital cases randomly selected from all non-capital habeas cases filed by state prisoners in federal district court during 2003 and 2004, and 368 capital cases started in 2000, 2001, and 2002 in the 13 districts with the highest volume of capital filings (TX-S; TX-E; TX-N; TX-W; PA-E; OH-N; OH-S; CA-C; AZ; NV; AL-N; FL-M; and OK-W). These account for over 60% of the capital habeas filings nationwide.

The study:

- Reports extensive descriptive information about the time elapsing from state sentence to federal filing, claims raised, the application of defenses and limitations, processing time, merits review, and outcome;
- Compares processing of cases pre- and post-AEDPA, and compares the processing of capital cases to the processing of non-capital cases; and
- Uses regression analysis to examine features associated with processing time for both capital and non-capital cases, features associated with the filing period for capital cases, and features associated with the likelihood of relief in capital cases.

Representative findings include:

- Capital cases were filed an average of 7.4 years following state judgment.
- Non-capital cases averaged 6.3 years before filing, longer than the average 5 years before AEDPA.
- Of capital cases, 4% were dismissed as time-barred under AEDPA's statute of limitations, compared to 22% of non-capital cases.
- Non-capital cases have averaged 11.5 months in federal court, capital cases have averaged 3.1 years so far (1 in 4 capital cases was still pending in late November 2006).
- Of 1986 non-capital cases completed other than by transfer to another district, only 7 received relief. Courts granted the writ in 33 of the 267 completed capital cases.
- The location of the case had a significant relationship to both processing time and likelihood of relief, after controlling for case-level factors.

Policy recommendations are not within the scope of the project.