

2026 Edition by Ira P. Robbins

The 2026 edition offers an expanded and thorough review of the habeas corpus provisions of the **Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA)**, including **numerous cases**—from the Supreme Court, the circuit courts of appeals, and some district courts—interpreting and applying the Act. Increased attention is paid to **habeas corpus vs. Section 1983 relief, custody and venue, statute of limitations and tolling, retroactivity, exhaustion of state judicial remedies, procedural default, standards of review under 28 U.S.C. § 2254(d), appeals, successive petitions, actual innocence, ineffective-assistance-of-counsel claims, and post-conviction motions filed by federal prisoners.**

Other highlights of this edition include coverage of **new Supreme Court cases and significant lower court cases**, including:

- ***Gutierrez v. Saenz* (U.S., 2025)**, deciding that the petitioner had standing to bring his **42 U.S.C. § 1983 claim challenging DNA testing procedures under the Due Process Clause** (§ 2:1).
- ***McCrary v. Alabama* (U.S., 2024)**, statement of Justice Sotomayor addressing the **adequacy of current post-conviction remedies to correct a conviction secured by faulty science** (§ 6:2).
- ***Trump v. J.G.G.* (U.S., 2025)**, holding that the government’s application to vacate the temporary restraining orders that **prevented removal of Venezuelan nationals designated as alien enemies under the Alien Enemies Act should have been brought in habeas corpus**, and that the **venue for challenging removal under the Act lies in the district of confinement** (§ 9:8).
- ***Glossip v. Oklahoma* (U.S., 2025)**, finding that the Supreme Court had jurisdiction to review the judgment of the Oklahoma Court of Criminal Appeals because there was **no independent and adequate state ground barring federal review** (§ 13:3).
- ***Andrew v. White* (U.S., 2025)**, applying the “**clearly established Federal law**” language of **28 U.S.C. § 2254(d)(1)** (§ 17:5).
- ***King v. Emmons* (U.S., 2024)**, Justices Jackson and Sotomayor dissenting from the denial of certiorari concerning the **deference that federal courts must give to factual statements made by state courts pursuant to 28 U.S.C. §§ 2254(d)(2) & (e)(1)** (§ 17:5).

- ***Shockley v. Vandergriff* (U.S., 2025)**, Justices Sotomayor and Jackson dissenting from the denial of certiorari on the **question whether the Courts of Appeals can dismiss an appeal after a judge votes to grant a certificate of appealability, pursuant to 28 U.S.C. § 2253(c)(1) (§ 17:10)**.
- ***Rivers v. Guerrero* (U.S., 2025)**, ruling that once a district court enters its judgment with respect to a first-filed habeas petition, **a second-in-time filing qualifies as a “second or successive application” under AEDPA, 28 U.S.C. § 2254(b) (§ 17:11)**.
- A Seventh Circuit case holding that, due to **inordinate delay in the state court**, Indiana’s post-conviction remedies proved to be **ineffective**, thereby **excusing the petitioner from the exhaustion requirement of 28 U.S.C. § 2254(b)(1) (§ 10:7)**.
- A Ninth Circuit case applying **AEDPA’s deferential standard of review under 28 U.S.C. § 2254(d) (§ 17:5)**.

These new *Checklists* volumes also include:

- **Updated Habeas Corpus Rules and Forms** for state and federal prisoners seeking post-conviction relief in the United States District Courts (App. E and App. F).
- **Updated statutory references to the U.S. Code.**
- **Expanded black-letter law.**
- And a completely updated and improved **Table of Cases**, enhancing the usefulness of this quick-reference guide by containing *both* an **Alphabetical Table** and a **Jurisdictional Table**, listing separately cases from the U.S. Supreme Court, the circuit courts of appeals (including district courts within the circuit), state courts, and international and foreign courts.

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