1. The Process
   1. Prisoner must file a petition
      1. There is no right to counsel in federal habeas proceedings. *McClesky v. Zant,* 499 U.S. 467, 494 (1991)
      2. Petitioner can be filed in either the district in which the petitioner is in custody or in the district in which the state court entered its judgment. 28 U.S.C. § 2241(d).
   2. Government ordered to respond.
      1. Must submit transcripts, appellate briefs, and state court opinions
   3. Petitioner ordered to reply.
   4. Court issues decision.
2. **One-year limitation** for federal habeas that starts from latest of:
   1. (A) the date on which the judgment became final by the conclusion of direct review or ***the expiration of the time for seeking such review***; or
   2. Three others: date when the impediment created by state action is removed, date of the newly recognized constitutional right, date the factual predicate could have been known through due diligence 28 U.S.C. § 2244 (d)(1)
   3. Tolling of the Statute of Limitations
      1. The time during which Petitioner had a ***properly filed*** state collateral review pending shall not be counted toward any period of limitation. 28 U.S.C. § 2244(d)(2).
      2. The limitation period runs from the expiration of direct appeal up and until the prisoner files his Form 40 in state court.
      3. Assuming the Form 40 was “properly filed,” the limitations period is tolled until the post-conviction appeal concludes (mandate issued).
3. Exhaustion
   1. Petitioners must have “exhausted the remedies available in the courts of the State.” 28 U.S.C. § 2254(b)(1)(A).
      1. This means they must present the claim on direct appeal OR in post-conviction proceeding AND post-conviction appeal.
4. Exception to exhaustion
   1. Must show ***cause*** for the defaultand ***prejudice*** resulting from the alleged violation of federal law **OR** demonstrate that failure to consider the claims will result in a ***fundamental miscarriage of justice***. *Coleman v. Thompson*, 501 U.S. 722, 750 (1991).
   2. Ineffective assistance of counsel at an initial-review collateral proceeding may establish cause for a prisoner’s procedural default of a claim of ineffective assistance at trial. *Martinez v. Ryan*, 132 S. Ct. 1309 (2012).
5. Standard
   1. Federal courts defer to and adopt factual conclusions made by the state courts unless the petitioner establishes by clear and convincing evidence that the state court findings are erroneous. 28 U.S.C. § 2254(e)(1)
   2. When a claim has been adjudicated on the merits in state court, Petitioner must show that the adjudication of the claim:
      1. (1) resulted in a decision that was ***contrary to or involved an unreasonable application of, clearly established Federal law***, as determined by the Supreme Court of the United States; or
      2. (2) resulted in a decision that was based on an ***unreasonable determination of the facts*** in light of the evidence presented in the State court proceeding. § 2254(d)
   3. Review under § 2254(d)(1) is limited to the record that was before the state court that adjudicated the claim on the merits. The record cannot be expanded. *Cullen v. Pinholster*, 563 U.S. 170 (2011).