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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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CALDERON, WARDEN, ET AL. *v.* ASHMUS, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 97–391. Argued March 24, 1998– Decided May 26, 1998

Chapter 154 of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) provides, *inter alia,* an expedited review process– including a 180-day filing period, 28 U. S. C. A. §2263(a)– for federal habeas proceedings in capital cases in States that meet certain conditions. Proceedings against other States are governed by Chapter 153, which has a 1-year filing period, §2244(d)(1), and lacks expedited procedures. After California officials, including petitioner state attorney general, indicated that they would invoke Chapter 154's protections, respondent, a state capital prisoner, sought declaratory and injunctive relief to resolve whether the Chapter applied to a class of capital prisoners whose convictions were affirmed after a particular date. The Federal District Court issued a declaratory judgment, holding that California did not qualify for Chapter 154 and therefore the Chapter did not apply to the class, and enjoined petitioners from invoking the Chapter in any proceedings involving class members. In affirming, the Ninth Circuit rejected petitioners' claim that the Eleventh Amendment barred respondent's suit; determined that the District Court had authority to issue a declaratory judgment under the Federal Declaratory Judgment Act; and rejected petitioners' contention that the injunction violated the First Amendment. Before reaching the Eleventh and First Amendment issues on which certiorari was granted, this Court must address whether the action is the type of "Article III" "case or controversy" to which federal courts are limited. See, *e.g., FW/PBS, Inc.* v. *Dallas,* 493 U. S. 215, 230–231.

Held: This action is not a justiciable case under Article III. The De-

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claratory Judgment Act validly confers jurisdiction on federal courts to enter declaratory judgments in cases where the controversy would admit "of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts." *Aetna Life Ins. Co.* v. *Haworth,* 300 U. S. 227, 241. Here, rather than seeking a final or conclusive determination of the underlying controversy– whether respondent is entitled to federal habeas relief– respondent carved out of that claim only the question whether, when he sought habeas relief, California's defense would be governed by Chapter 153 or Chapter 154. He would have obtained such a determination in a habeas action itself, but he seeks instead to have an advance ruling on the collateral issue. The Declaratory Judgment Act cannot be used for this purpose. See, *e.g., Coffman* v. *Breeze Corps.,* 323 U. S. 316. Such an action's disruptive effects are peculiarly great when the underlying claims must be adjudicated in federal habeas, for it would allow respondent to obtain a declaration as to the applicable limitations period without ever having shown that he has met the exhaustion-of-state-remedies requirement. If class members file habeas petitions and the State asserts Chapter 154, they can litigate California's compliance with the Chapter at that time. The risk associated with resolving the issue in habeas rather than in a pre-emptive suit is no different from risks associated with choices that litigants commonly face. Respondent mistakenly relies on *Steffel* v. *Thompson,* 415 U. S. 452, for *Steffel* falls within the traditional scope of declaratory judgment actions: It completely resolved a concrete controversy susceptible to conclusive judicial determination. Pp. 4–9.

123 F. 3d 1199, reversed and remanded.

REHNQUIST, C. J., delivered the opinion for a unanimous Court. BREYER, J., filed a concurring opinion, in which SOUTER, J., joined.