



directed that the petition be denied. Martin Cristin v. Brennan, 281 F.3d 404 (3d Cir. 2002).

The present petitioner, Rosalinda Cristin, filed her petition for habeas corpus relief on July 11, 2000, shortly after her husband's petition had been granted, and while the appeal was pending. With the agreement of counsel, action on her petition was stayed pending the outcome of her husband's case, and this case was placed in suspense.

Although, as noted above, her husband's appeal was decided on February 27, 2002, Rosalinda Cristin's petition remains pending in this court. Frankly, I have delayed final resolution of her case, in the wistful hope that some intervening change in the law might permit this court to rectify what I continue to believe has been a distinct injustice. Indeed, in the husband's case, the Court of Appeals purportedly agreed with this court's assessment of the fairness of the state court proceedings, but reversed the grant of habeas relief because (1) Mr. Cristin had procedurally defaulted all his claims by failing to appeal adverse decisions in the state courts; and (2) his procedural defaults could not be overlooked because he could not establish that he was factually innocent of the state court charges. I am unable to perceive any meaningful distinction between Mrs. Cristin's case and that of her husband. Her claims were procedurally defaulted in the state courts, and her petition

to this court was untimely. Under the precedent of her husband's case, I cannot now address the merits of her habeas petition - even though, as suggested above, I am convinced that her constitutional rights were in fact violated.

An Order follows.

