

The Chief Justice don't see why
can't apply ordinary collateral
estoppel rules

Stewart, J. No reason why should
apply collateral estoppel
to 1983 suits. Think
its basically irrelevant
that Stone v Powell
predubly habeas in
4th Cir. So never

White, J. Don't see why
doctrine should apply
when issue has
been fairly tried out
in state courts

Marshall, J.

Agree with WSB

Blackmun, J. When party willingly goes to state court, collateral applies. But if reverse here, left it denied any federal forum - so did affirm would not allow one est where plaintiff is brought into state court & not here willingly

Powell, J. If there had been unfair trial in state court, habeas still available under *Stone v Powell*

Rehnquist, J. Habeas v 1983 with date from same period. Framers certainly didn't contemplate continuous review of state court proceedings. Evaluation to allow collateral estoppel now

Stevens, J. Civil actions by convicted OS are rare. Argument based on *Stone v Powell* cut other way - 1983 remedy not as important as habeas. Arg at least this decision to Fourth Am leads - Criminal probably other cases may not tolerate collateral