

SOUTER, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 00–121

GEORGE DUNCAN, SUPERINTENDENT, GREAT
MEADOW CORRECTIONAL FACILITY,
PETITIONER *v.* SHERMAN WALKER

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[June 18, 2001]

JUSTICE SOUTER, concurring.

Although I join the Court’s opinion in full, I have joined JUSTICE STEVENS’s separate opinion pointing out that nothing bars a district court from retaining jurisdiction pending complete exhaustion of state remedies, and that a claim for equitable tolling could present a serious issue on facts different from those before us.