

BREYER, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 04–6432

AURELIO O. GONZALEZ, PETITIONER *v.* JAMES V.
CROSBY, JR., SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS

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

[June 23, 2005]

JUSTICE BREYER, concurring.

The majority explains that a proper Rule 60(b) motion “attacks, not the substance of the federal court’s resolution of a claim on the merits, but some defect in the integrity of the federal habeas proceedings.” *Ante*, at 8. This is consistent with Judge Tjoflat’s description of the standard in his opinion below, see 366 F. 3d 1253, 1297 (CA11 2004) (specially concurring in part and dissenting in part), and I agree with it. I fear that other language in the majority’s opinion, especially its discussion of the significance of the word “claim,” could be taken to imply a different standard, with which I would disagree. With that qualification, I join the majority’s opinion.