

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 30 2024

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SARAH MARIE JOHNSON,

Petitioner - Appellant,

v.

AMANDA GENTRY,

Respondent - Appellee.

No. 23-2124

D.C. No.

4:14-cv-00395-CWD

MEMORANDUM*

Appeal from the United States District Court for the
District of Idaho

Candy W. Dale, Magistrate Judge, Presiding

Argued and Submitted October 18, 2024*

Idaho Falls, Idaho

Before: N.R. SMITH, R. NELSON, and FORREST, Circuit Judges.

Sarah Johnson was convicted of two counts of first-degree murder for killing her parents when she was sixteen. An Idaho state court imposed two discretionary sentences of life without the possibility of parole. Johnson sought federal habeas relief, arguing her juvenile life sentences violated the Eighth Amendment. The federal district court denied Johnson's habeas petition but granted a certificate of

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

appealability. Exercising jurisdiction under 28 U.S.C. § 2253(a), we affirm.

1. Subject to two exceptions, the Antiterrorism and Effective Death Penalty Act bars Johnson from relitigating her claim if the Idaho Supreme Court denied it “on the merits.” 28 U.S.C. § 2254(d). Because Johnson presented her claim to the state court, we presume the court rejected it on the merits. *Johnson v. Williams*, 568 U.S. 289, 301 (2013).

Johnson cannot rebut this presumption. The Idaho Supreme Court recited the substantive holding from *Miller v. Alabama*, 567 U.S. 460 (2012), that life without parole “is an excessive sentence for children whose crimes reflect transient immaturity.” It noted the sentencing court needed “to determine whether the crime was one that ‘reflected the transient immaturity’ of youth.” And it evaluated the sentencing court against that standard: though the sentencing court did not use the term “transient immaturity,” it “clearly considered Johnson’s youth” and determined that she “deserved life without parole.” It “strains credulity” to believe that the Idaho Supreme Court failed to apply a standard “that it had taken the trouble to recite.” *See Early v. Packer*, 537 U.S. 3, 9 (2002) (per curiam).

Johnson’s argument seeking to differentiate a procedural Eighth Amendment claim (which she argues the state adjudicated) and a substantive Eighth Amendment claim (which she says the state ignored) does not alter this conclusion. For one, Johnson argues that, because the state court did not discuss the substantive

claim separately, it must not have adjudicated it. But the state court did address the substantive claim. And even if the state court had not addressed the claim, we still would presume that the court rejected it on the merits. *See Johnson*, 568 U.S. at 301. The state court’s alleged failure to distinguish between the substantive and procedural claims does not establish that it ignored the substantive claim—especially because we have since suggested that the claims are connected. *See Helm v. Thornell*, 112 F.4th 674, 686–87 (9th Cir. 2024) (“As the Supreme Court clarified in [*Jones*], *Miller* requires a ‘discretionary sentencing procedure,’ but it does not require that a state court’s weighing of the mitigating factors associated with youth be conducted in accordance with any particular substantive criteria of incorrigibility.” (quoting *Jones v. Mississippi*, 593 U.S. 98, 120–21 (2021))).

For another, *Johnson* assumes that, to adjudicate the substantive claim, the state court needed to “determine whether [*Johnson*’s] crime reflects irreparable corruption.” Here too, the Supreme Court has held the opposite. *Montgomery v. Louisiana*, 577 U.S. 190, 211 (2016) (“[A] finding of fact regarding incorrigibility . . . is not required.”).

2. The state court’s decision was not “contrary to” Supreme Court precedent. *See* 28 U.S.C. § 2254(d)(1). First, the state court did not rule differently from the Supreme Court on “materially indistinguishable” facts. *Williams v. Taylor*, 529 U.S. 362, 406 (2000). Indeed, the Supreme Court had

never considered whether a sentence like Johnson’s—imposed as part of a discretionary sentencing scheme—is constitutional.

Second, the state court did not apply a legal rule that “contradicts” the governing law found in Supreme Court precedent. *Id.* at 405. The state court acknowledged the relevant constitutional rule—that life without parole is unconstitutional for juveniles whose crimes reflect transient immaturity—and affirmed the sentencing court’s determination that Johnson deserved life without parole despite her youth. It never suggested that Johnson could be sentenced to life without parole if her crimes reflected transient immaturity.

In response, Johnson argues that because the state court did not find whether Johnson “actually is irreparably corrupt,” the state court must have conflated the standards governing her procedural and substantive claims. But again, the Supreme Court has rejected that premise. Nothing required the state court to find Johnson permanently incorrigible. *Montgomery*, 577 U.S. at 211.

3. Nor was the state court’s decision an “unreasonable application” of Supreme Court precedent. *See* 28 U.S.C. § 2254(d)(1). Johnson argues otherwise only because the state court “terminated its analysis of [Johnson’s] substantive *Miller* claim after determining that the sentencing judge had ‘considered Johnson’s youth.’” But the failure to provide more analysis is not an “extreme malfunction” of the justice system; the state court did not need to provide any analysis at all.

Harrington v. Richter, 562 U.S. 86, 101–02 (2011). And even as it stands, the state court’s analysis tracked Supreme Court precedent. The court rejected Johnson’s claim because the sentencing court considered her youth and determined that she nonetheless deserved life without parole. That is “both constitutionally necessary and constitutionally sufficient.” *Jones*, 593 U.S. at 105, 120 (interpreting *Miller* and *Montgomery*).

4. The state’s decision, as measured against the “transient immaturity” standard, was not based on an unreasonable determination of fact in light of the record evidence. *See* 28 U.S.C. § 2254(d)(2).

5. Finally, Johnson requests a hearing on whether she is permanently incorrigible. But because a factual finding on her incorrigibility is not required, a hearing is unnecessary. Johnson also acknowledges a hearing would be appropriate only if the state court ignored her claim or rendered a decision contrary to Supreme Court precedent. As discussed, neither condition is satisfied.

AFFIRMED.