

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Deshawn Thomas v. Charles Daniel, et al.

Thomas · No. 2:18-cv-00020-GMN-EJY · Decided January 13, 2026

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 DESHAWN THOMAS, Case No. 2:18-cv-00020-GMN-EJY 6 Petitioner, v. ORDER 7 CHARLES DANIEL, et al., 8 Respondents. 9 10 Petitioner Deshawn Thomas commenced this habeas action by filing a Petition for Writ 11 of Habeas Corpus. ECF No. 6.

The Court appointed counsel and entered a scheduling order. 12 ECF No. 9. Respondents have now filed a suggestion of death on the record indicating that 13 Thomas died on January 12, 2026. ECF No. 83. 14 The Court may entertain a state prisoner's Petition for Writ of Habeas Corpus only on the 15 ground that he is "in custody in violation of the Constitution or laws or treaties of the United 16 States." 28 U.S.C. § 2254(a).

A petitioner's death renders the habeas petition moot. See *Dove v. United States*, 423 U.S. 325 (1976) (per curiam) (dismissing petition for a writ of certiorari from 18 appellate decision in criminal proceedings upon petitioner's death); *Farmer v. McDaniel*, 692 F.3d 1052 (9th Cir. 2012) (upon notice of petitioner's death, appeal dismissed as moot and case 20 remanded to district court to dismiss habeas petition as moot); *Garceau v. Woodford*, 399 F.3d 1101 (9th Cir. 2005) ("Because petitioner's death renders this case moot, the petition for a writ 22 of habeas corpus should be dismissed as moot."); *Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 23 2003) (same). 24 Thomas's death constitutes an end to his detention; thus, this action no longer presents a 25 live case or controversy.

Accordingly, the Petition challenging his state conviction is now moot. 26 /// 27 /// 28 ///] It is therefore ordered that Petitioner Deshawn Thomas's Petition for Writ of Habeas 2 || Corpus (ECF No. 6) is dismissed without prejudice as moot, on account of Thomas's death. 3 The Clerk of the Court is kindly directed to close this case and enter judgment 4 || accordingly 5 DATED: — January 13, 2026 GLOR 4 M. NAVARRO g UNITED STATES DISTRICT JUDGE 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28