

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Wayne Mont Fairse v. State of Nevada, et al.

Fairse · No. 3:25-cv-00731-MMD-CLB · Decided December 29, 2025

SUMMARY

The United States District Court for the District of Nevada dismissed Wayne Mont Fairse’s 28 U.S.C. § 2254 habeas petition at screening. The court held that Fairse’s claim that the state court lacked jurisdiction under Nevada Revised Statute § 171.010 presented an issue of state law and was not cognizable on federal habeas review. The court denied a certificate of appealability and directed the clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Miranda M. Du
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 29, 2025
DOCKET	3:25-cv-00731-MMD-CLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Fairse filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his state conviction and sentence. After screening the petition under Rule 4 of the Rules Governing Section 2254 Cases, the district court dismissed it as non-cognizable and denied a certificate of appealability.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the assigned judge must examine the petition and order a response unless it plainly appears that the petitioner is not entitled to relief. The court may dismiss petitions that are patently frivolous, vague, conclusory, palpably incredible, false, or affected by procedural defects.
PRECEDENTIAL VALUE	unpublished
PARTIES	Wayne Mont Fairse v. State of Nevada, et al.

TOPICS

- federal habeas corpus
- post-conviction relief
- statutory interpretation
- plain meaning rule

PRACTICE AREAS

federal habeas corpus

state post-conviction relief

criminal procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether Fairse's claim that the Nevada state court lacked jurisdiction because Nevada Revised Statute § 171.010 was allegedly nullified presents a cognizable basis for federal habeas relief.
2. Whether the petition should be dismissed at initial screening under Rule 4 of the Rules Governing Section 2254 Cases.
3. Whether Fairse was entitled to a certificate of appealability.

HOLDINGS

1. Fairse's claim that the Nevada state court lacked jurisdiction based on the alleged nullification of Nevada Revised Statute § 171.010 was not cognizable in federal habeas because it presented an issue of state law, and federal habeas relief does not lie for errors of state law.
2. The Nevada state court had jurisdiction over Fairse's underlying criminal case under article VI, section 6 of the Nevada Constitution, and Nevada Revised Statute § 171.010 did not establish that jurisdiction; instead, the statute provides criminal liability for persons committing offenses within Nevada.
3. The petition was properly dismissed under Rule 4 because it plainly appeared that Fairse was not entitled to federal habeas relief.

KEY QUOTATIONS

“federal habeas corpus relief does not lie for errors of state law.” (1)

FACTUAL BACKGROUND

On October 20, 2017, the Eighth Judicial District Court for Clark County entered a judgment of conviction after Fairse pleaded guilty to sexual assault with a minor under sixteen and lewdness with a child under fourteen. He received a sentence of 35 years to life in prison. His direct appeal was dismissed as untimely, and his later motion to correct his sentence was denied by the state court and affirmed by the Nevada Court of Appeals. In his federal petition, Fairse argued that the state criminal court lacked jurisdiction because Nevada Revised Statute § 171.010 had allegedly been nullified in 1957.

PROCEDURAL HISTORY

The Eighth Judicial District Court for Clark County entered a judgment of conviction after Fairse pleaded guilty and sentenced him to 35 years to life. The Nevada Supreme Court dismissed his direct appeal as untimely. After the state court denied his 2024 motion to correct his sentence and the Nevada Court of Appeals affirmed, Fairse filed this federal habeas petition. The district court dismissed the petition at initial screening, denied a certificate of appealability, directed entry of final judgment, and ordered the case closed.

DISPOSITION

dismissed

CASES CITED

- State of Nev. v. Wayne Fairse, C-16-318854-1
- Wayne Mont Fairse v. State of Nev., No. 74638
- Wayne Mont Fairse v. State of Nev., No. 88948-COA
- Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019)
- Boyd v. Thompson, 147 F.3d 1124, 1128 (9th Cir. 1998)
- Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990)
- Lewis v. Jeffers, 497 U.S. 764, 780 (1990)

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 * * * 6 WAYNE
MONT FAIRSE, Case No. 3:25-cv-00731-MMD-CLB 7 Petitioner, ORDER v. 8 9 STATE OF
NEVADA, et al., 10 Respondents. 11 12 Pro se Petitioner Wayne Mont Fairse filed a petition for
writ of habeas corpus under 13 28 U.S.C. § 2254. (ECF No. 6 (“Petition”).) Following an initial
review of the Petition under 14 the Rules Governing Section 2254 Cases (“Habeas Rules”), the
Court dismisses it as 15 non-cognizable.

16 I. BACKGROUND1 17 Fairse challenges a conviction and sentence imposed by the Eighth
Judicial 18 District Court for Clark County. See State of Nev. v. Wayne Fairse, C-16-318854-1. On
19 October 20, 2017, the state court entered a judgment of conviction under a guilty plea 20
convicting Fairse of sexual assault with a minor under the age of sixteen and lewdness 21 with a
child under the age of fourteen.

Fairse was sentenced to 35 years to life in prison. 22 Fairse appealed, but the Nevada Supreme
Court dismissed the appeal as untimely on 23 January 12, 2018. Wayne Mont Fairse v. State of
Nev., No. 74638. 24 /// 25 /// 26 1Judicial notice is taken of the docket records of the Eighth
Judicial District Court 27 1 Fairse filed a motion to correct his sentence on May 16, 2024.

The state court 2 denied the motion on June 26, 2024. Fairse appealed, and the Nevada Court of
Appeals 3 affirmed on March 24, 2025. See Wayne Mont Fairse v. State of Nev., No. 88948-COA.

4 III. DISCUSSION 5 Habeas Rule 4 requires the assigned judge to examine a habeas petition and
order 6 a response unless it “plainly appears” that the petition is not entitled to relief.

See Valdez 7 v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019). This rule allows courts to screen
and 8 dismiss petitions that are patently frivolous, vague, conclusory, palpably incredible, false, 9
or plagued by procedural defects. See Boyd v. Thompson, 147 F.3d 1124, 1128 (9th Cir. 10 1998);
see also Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) (collecting 11 cases).

12 On his sole ground for relief, Fairse argues that the state court lacked jurisdiction 13 over his criminal case because Nevada Revised Statute § 171.010—the statute giving 14 Nevada state courts their jurisdictional authority—was nullified in 1957 when the Nevada 15 Legislature invalidated all preexisting statutes, including Nevada Revised Statute § 16 171.010, which was enacted in 1911.

(ECF No. 6.) This claim is not cognizable in federal 17 habeas. This argument presents an issue of state law, but “federal habeas corpus relief 18 does not lie for errors of state law.” *Lewis v. Jeffers*, 497 U.S. 764, 780 (1990).

Moreover, 19 the Nevada state court had jurisdiction over Fairse’s underlying criminal case under the 20 Nevada Constitution, see N.V. Const. art. VI, § 6, and Nevada Revised Statute § 171.010 21 does not address the state court’s jurisdiction; rather, it provides criminal liability for 22 persons committing offenses within Nevada. 23 IV. CONCLUSION 24 It is therefore ordered that the Petition (ECF No. 6) is dismissed.

A certificate of 25 appealability is denied, as jurists of reason would not find dismissal of the Petition for the 26 reasons stated herein to be debatable or wrong. 27 2 1 It is further kindly ordered that the Clerk of Court (1) add Nevada Attorney General 2 || Aaron D. Ford as counsel for Respondents,” (2) provide the Nevada Attorney General 3 || with copies of the Petition (ECF No. 6), this Order, and all other filings in this matter by 4 || regenerating the notices of electronic filing, (3) enter final judgment dismissing this action, 5 || and (4) close this case.

6 DATED THIS 29" Day of December 2025. 8 eee MIRANDA M. DU 9 UNITED STATES DISTRICT JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 2No response is required from Respondents other than to respond to any orders 27 || of a reviewing court. 28 °