

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.

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. BACKGROUND 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 1 Judicial 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 °