

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Fernando Navarro Hernandez v. John Henley, et al.

Hernandez · No. 3:09-cv-00545-MMD-CSD · Decided January 5, 2026

SUMMARY

The United States District Court for the District of Nevada denies Fernando Navarro Hernandez’s Rule 59(e) motion to alter or amend the judgment denying his Fifth-Amended Petition for a writ of habeas corpus. The court rejects Hernandez’s arguments concerning evidence from state postconviction proceedings, ineffective assistance of counsel, jury composition and misconduct, capital sentencing, and the effect of *Loper Bright Enterprises v. Raimondo* on AEDPA deference. The court also denies a Certificate of Appealability regarding the motion and directs the Clerk to reclose the action.

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	January 5, 2026
DOCKET	3:09-cv-00545-MMD-CSD
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment denying his Fifth-Amended Petition for a writ of habeas corpus under 28 U.S.C. § 2254, or alternatively to expand the Certificate of Appealability. The court denied the motion and denied a Certificate of Appealability concerning the motion.
STANDARD OF REVIEW	A Rule 59(e) motion is an extraordinary remedy available only upon manifest error of law or fact, newly discovered or previously unavailable evidence, manifest injustice, or an intervening change in controlling law. The court also applied AEDPA deference and reviewed whether its prior judgment contained a manifest error.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation
PARTIES	Fernando Navarro Hernandez v. John Henley, et al.

TOPICS

motion for reconsideration

federal habeas corpus

state post-conviction relief

appellate procedure

standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court committed manifest error by refusing to consider evidence generated during Hernandez's second state postconviction proceeding.
2. Whether the district court committed manifest error in denying habeas relief on ineffective-assistance and jury-misconduct claims concerning jurors' purchase of a gift for the victim's daughter.
3. Whether the district court committed manifest error in denying relief on the claim that counsel failed to ensure a racially and ethnically representative jury venire, while also denying discovery and an evidentiary hearing.
4. Whether the district court committed manifest error in denying relief on the claim challenging the Nevada Supreme Court's striking of an aggravating circumstance and reweighing of the remaining aggravating and mitigating circumstances.
5. Whether *Loper Bright Enterprises v. Raimondo* requires a less restrictive form of AEDPA deference.

HOLDINGS

1. The court may not consider evidence generated during Hernandez's second state postconviction proceeding because he failed to comply with Nevada's procedural rules by not timely raising the ineffectiveness of his first postconviction counsel.
2. Hernandez failed to show manifest error in the court's conclusions that counsel was not constitutionally ineffective concerning the jurors' purchase of a gift and that the gift did not prejudice the verdict or sentence.
3. The court did not commit manifest error by denying relief on the jury-composition claim and by denying discovery and an evidentiary hearing because Hernandez failed to diligently develop the state-court record and therefore was subject to 28 U.S.C. § 2254(e)(2) and the restrictions recognized in *Ramirez*.
4. *Loper Bright* does not overrule or dilute AEDPA deference, and the district court must continue to apply controlling Supreme Court precedent and AEDPA's statutory rule of decision.
5. The Rule 59(e) motion to alter or amend the judgment was denied because Hernandez identified no manifest error, newly discovered evidence, manifest injustice, or intervening change in controlling law.

KEY QUOTATIONS

“a Rule 59(e) motion is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” (2)

“If a precedent of this Court has direct application in a case, . . . a lower court should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decision.” (13)

“When Congress supplies a constitutionally valid rule of decision, federal courts must follow it. In AEDPA, Congress announced such a rule.” (13)

FACTUAL BACKGROUND

Hernandez was convicted in Nevada state court of multiple offenses, including the murder of his ex-wife, and received a death sentence. In federal habeas proceedings, he challenged the treatment of evidence from a second state postconviction proceeding, alleged ineffective assistance concerning jury misconduct and jury composition, challenged the Nevada Supreme Court's reweighing of aggravating and mitigating circumstances, and argued that Loper Bright required less restrictive AEDPA deference. The district court concluded that none of these arguments established grounds for altering or amending the judgment.

PROCEDURAL HISTORY

Hernandez was sentenced to death in Nevada state court after convictions for burglary while in possession of a weapon, first-degree murder with use of a deadly weapon, second-degree kidnapping, and unlawful sexual penetration of a dead body. The district court denied his Fifth-Amended § 2254 petition on March 27, 2025, entered judgment, and granted a Certificate of Appealability on specified grounds. Hernandez then filed this Rule 59(e) motion, which the respondents opposed; the court denied reconsideration and directed the Clerk to reclose the action.

DISPOSITION

other

CASES CITED

- Wood v. Ryan, 759 F.3d 1117, 1121 (9th Cir. 2014)
- Rishor v. Ferguson, 822 F.3d 482, 491–92 (9th Cir. 2016)
- McLaughlin v. Oliver, 95 F.4th 1239, 1249 (9th Cir. 2024)
- Crump v. Warden, 934 P.2d 247 (Nev. 1997)
- Hathaway v. State, 71 P.3d 503, 507–08 (Nev. 2003)
- Rippo v. State
- Pellegrini v. State, 34 P.3d 519, 526 (Nev. 2001)
- Harrington v. Richter, 562 U.S. 86, 109 (2011)
- Valdez v. State, 196 P.3d 465, 475 (Nev. 2008)
- Kimmelman v. Morrison, 477 U.S. 365, 375 (1986)
- Williams v. Taylor, 529 U.S. 420, 432, 435 (2000)
- Rodney v. Garrett, 116 F.4th 947, 957 (9th Cir. 2024)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 378–79 (2024)

- *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984)
- *United States v. Werle*, 35 F.4th 1195, 1201 (9th Cir. 2022)
- *Nunez-Reyes v. Holder*, 646 F.3d 684, 693 (9th Cir. 2011) (en banc)
- *Mallory v. Norfolk Southern Railway Co.*, 600 U.S. 122, 136 (2023)
- *Brown v. Davenport*, 596 U.S. 118, 127 (2022)

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