

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

James Ray Myers, Jr. v. State of Nevada

Myers v. State of Nevada · No. 3:25-cv-00730-ART-CLB · Decided January 23, 2026

SUMMARY

The United States District Court for the District of Nevada reviewed James Ray Myers, Jr.'s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court dismissed the petition without prejudice because it failed to present a cognizable federal claim and appeared to be wholly unexhausted, with no extraordinary circumstances warranting federal intervention. The court granted Myers's application to proceed in forma pauperis and denied a certificate of appealability.

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 JAMES RAY
MYERS, JR., Case No. 3:25-cv-00730-ART-CLB 6 Petitioner, ORDER v. 7 STATE OF
NEVADA, 8 Respondents. 9 10 Pro se Petitioner James Ray Myers, Jr. commenced this habeas
action by 11 filing a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 and an 12
Application to Proceed In Forma Pauperis (“IFP”).

ECF Nos. 4, 7. This habeas 13 matter is before the Court for initial review under the Rules
Governing Section 14 2254 Cases.¹ For the reasons discussed below, the Court grants the IFP 15
application and dismisses the § 2254 petition without prejudice. 16 I. Background 17 The state
district court entered a judgment of conviction for attempt sexual 18 assault, victim under 16 years
old.

Myers asserts that he has not appealed the 19 conviction and has not filed a state habeas
postconviction petition. In his petition, 20 he asserts that the state district court lacked jurisdiction
because the Nevada 21 revised statutes were not properly passed. 22 II. Discussion 23 Pursuant to
Habeas Rule 4, the assigned judge must examine the habeas 24 petition and order a response
unless it “plainly appears” that the petitioner is not 25 entitled to relief.

See Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019). 26 27 1 All references to a “Habeas
Rule” or the “Habeas Rules” in this order identify the Rules Governing Section 2254 Cases in the
United States District Courts. 28 1 This rule allows courts to screen and dismiss petitions that are
patently frivolous, 2 vague, conclusory, palpably incredible, false, or plagued by procedural
defects.

3 Boyd v. Thompson, 147 F.3d 1124, 1128 (9th Cir. 1998); Hendricks v. Vasquez, 4 908 F.2d 490,
491 (9th Cir. 1990) (collecting cases). 5 Myers’s petition is subject to multiple defects. He fails to

allege a cognizable federal habeas claim. A state prisoner is entitled to federal habeas relief only if he is being held in custody in violation of the constitution, laws, or treaties of the United States.

28 U.S.C. § 2254(a). “Thus, a habeas corpus petition must allege a deprivation of one or more federal rights to present a cognizable federal habeas corpus claim.” *Burkey v. Deeds*, 824 F. Supp. 190, 192 (D. Nev. 1993). Federal habeas relief is unavailable “for errors of state law.” *Lewis v. Jeffers*, 497 U.S. 764, 780 (1990). A state’s interpretation of its own laws or rules provides no basis for federal habeas relief because no federal question arises.

Estelle v. McGuire, 502 U.S. 62, 67–68 (1991) (federal courts may not reexamine state court decisions on state law issues). A petitioner “may not transform a state-law issue into a federal one merely by asserting a violation of due process.” *Langford v. Day*, 110 F.3d 1380, 1389 (9th Cir. 1997). In addition, even if Myers presented a cognizable habeas claim, it appears that his claims are wholly unexhausted.

A state defendant seeking federal habeas relief must fully exhaust his state court remedies before presenting his constitutional claims to the federal courts. E.g., *Arevalo v. Hennessy*, 882 F.3d 763, 764–67 (9th Cir. 2018) (finding that California petitioner properly exhausted his state remedies by filing two motions in the trial court, a habeas petition in the court of appeal, and a habeas petition in the state supreme court).

The exhaustion requirement ensures that state courts, as a matter of federal-state comity, will have the first opportunity to review and correct alleged violations of federal constitutional guarantees. *Coleman v. Thompson*, 501 U.S. 722, 731 (1991).

As a general rule, a federal court will not entertain a petition seeking intervention in an ongoing state criminal proceeding absent extraordinary circumstances, even when a petitioner’s claims were otherwise fully exhausted in the state courts. E.g., *Sherwood v. Tomkins*, 716 F.2d 632, 634 (9th Cir. 1983); *Carden v. Montana*, 626 F.2d 82, 83–85 (9th Cir.

1980). No extraordinary circumstances are presented here. Myers’s petition is dismissed without prejudice. III. Conclusion It is therefore ordered Petitioner James Ray Myers, Jr.’s petition for writ of habeas corpus (ECF No. 7) is DISMISSED without prejudice. It is further ordered Petitioner’s application to proceed in forma pauperis (ECF No. 4) is GRANTED.

It is further ordered Petitioner is DENIED a certificate of appealability, as jurists of reason would not find the Court’s dismissal of the petition to be debatable or wrong. It is further ordered the Clerk of the Court is kindly directed to enter final judgment accordingly and close this case. DATED THIS 23rd day of January, 2026.

