

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.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 23, 2026
DOCKET	3:25-cv-00730-ART-CLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Initial screening of a petition for a writ of habeas corpus under 28 U.S.C. § 2254.
STANDARD OF REVIEW	Under Habeas Rule 4, the court must examine the petition and order a response unless it plainly appears that the petitioner is not entitled to relief; the rule permits dismissal of patently frivolous, vague, conclusory, palpably incredible, false, or procedurally defective petitions.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	James Ray Myers, Jr. v. State of Nevada

TOPICS

- federal habeas corpus
- habeas corpus
- post-conviction relief
- due process
- comity

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Criminal procedure

QUESTIONS PRESENTED

1. Whether the petition alleged a cognizable federal habeas claim under 28 U.S.C. § 2254.
2. Whether the petition was subject to dismissal because Myers had not exhausted available state-court remedies.
3. Whether federal intervention was warranted in an ongoing state criminal matter absent extraordinary circumstances.

HOLDINGS

1. The petition did not allege a cognizable federal habeas claim because an alleged error concerning the interpretation or enactment of state law does not, without more, establish a violation of the Constitution, laws, or treaties of the United States.
2. The petition was subject to dismissal without prejudice because Myers's claims appeared wholly unexhausted.
3. Federal intervention was unwarranted because Myers identified no extraordinary circumstances justifying review of an ongoing state criminal proceeding.

KEY QUOTATIONS

“This rule allows courts to screen and dismiss petitions that are patently frivolous, vague, conclusory, palpably incredible, false, or plagued by procedural defects.” (1)

“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.” (1)

“A state defendant seeking federal habeas relief must fully exhaust his state court remedies before presenting his constitutional claims to the federal courts.” (2)

FACTUAL BACKGROUND

A Nevada state district court entered a judgment of conviction against James Ray Myers, Jr. for attempted sexual assault involving a victim under sixteen. Myers stated that he had not appealed the conviction and had not filed a state habeas post-conviction petition. His federal petition alleged that the state court lacked jurisdiction because Nevada's revised statutes were not properly enacted.

PROCEDURAL HISTORY

Myers filed a federal habeas petition challenging a Nevada state-court conviction for attempted sexual assault involving a victim under sixteen. He alleged that the state court lacked jurisdiction because Nevada's revised statutes were not properly enacted, and acknowledged that he had not appealed or filed a state post-conviction habeas petition. On initial review under Habeas Rule 4, the district court granted in forma pauperis status and dismissed the petition without prejudice, denied a certificate of appealability, and directed entry of final judgment.

DISPOSITION

dismissed

CASES CITED

- 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)
- Burkey v. Deeds, 824 F. Supp. 190, 192 (D. Nev. 1993)
- Lewis v. Jeffers, 497 U.S. 764, 780 (1990)
- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Langford v. Day, 110 F.3d 1380, 1389 (9th Cir. 1997)
- Arevalo v. Hennessy, 882 F.3d 763, 764-67 (9th Cir. 2018)
- Coleman v. Thompson, 501 U.S. 722, 731 (1991)
- Sherwood v. Tomkins, 716 F.2d 632, 634 (9th Cir. 1983)
- Carden v. Montana, 626 F.2d 82, 83-85 (9th Cir. 1980)

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