

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

OPINION

Myers

PER CURIAM.

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 6 federal habeas claim. A state prisoner is entitled to federal habeas relief only
if he 7 is being held in custody in violation of the constitution, laws, or treaties of the 8 United
States. 28 U.S.C. § 2254(a). “Thus, a habeas corpus petition must allege 9 a deprivation of one or
more federal rights to present a cognizable federal habeas 10 corpus claim.” *Burkey v. Deeds*, 824
F. Supp. 190, 192 (D. Nev. 1993). 11 Federal habeas relief is unavailable “for errors of state law.”
Lewis v. 12 *Jeffers*, 497 U.S. 764, 780 (1990). A state’s interpretation of its own laws or rules 13

provides no basis for federal habeas relief because no federal question arises. 14 *Estelle v. McGuire*, 502 U.S. 62, 67–68 (1991) (federal courts may not reexamine 15 state court decisions on state law issues). A petitioner “may not transform a state- 16 law issue into a federal one merely by asserting a violation of due process.” 17 *Langford v. Day*, 110 F.3d 1380, 1389 (9th Cir. 1997). 18 In addition, even if Myers presented a cognizable habeas claim, it appears 19 that his claims are wholly unexhausted. A state defendant seeking federal habeas 20 relief must fully exhaust his state court remedies before presenting his 21 constitutional claims to the federal courts. E.g., *Arevalo v. Hennessy*, 882 F.3d 22 763, 764–67 (9th Cir. 2018) (finding that California petitioner properly exhausted 23 his state remedies by filing two motions in the trial court, a habeas petition in 24 the court of appeal, and a habeas petition in the state supreme court). The 25 exhaustion requirement ensures that state courts, as a matter of federal-state 26 comity, will have the first opportunity to review and correct alleged violations of 27 federal constitutional guarantees. *Coleman v. Thompson*, 501 U.S. 722, 731 28 (1991). As a general rule, a federal court will not entertain a petition seeking 1 || intervention in an ongoing state criminal proceeding absent extraordinary 2 || circumstances, even when a petitioner’s claims were otherwise fully exhausted in 3 || the state courts. E.g., *Sherwood v. Tomkins*, 716 F.2d 632, 634 (9th Cir. 1983); 4 || *Carden v. Montana*, 626 F.2d 82, 83-85 (9th Cir. 1980). 5 No extraordinary circumstances are presented here. Myers’s petition is 6 || dismissed without prejudice. 7 III. Conclusion 8 It is therefore ordered Petitioner James Ray Myers, Jr.’s petition for writ of 9 || habeas corpus (ECF No. 7) is DISMISSED without prejudice. 10 It is further ordered Petitioner’s application to proceed in forma pauperis 11 || (ECF No. 4) is GRANTED. 12 It is further ordered Petitioner is DENIED a certificate of appealability, as 13 || jurists of reason would not find the Court’s dismissal of the petition to be 14 || debatable or wrong. 15 It is further ordered the Clerk of the Court is kindly directed to enter final 16 || judgment accordingly and close this case. 17 18 || DATED THIS 234 day of January, 2026. 19 i en
a1 UNITED STATES DISTRICT JUDGE
22 23 24 25 26 27 28