

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Martel Artis v. Warden of High Desert State Prison

Artis · No. 2:25-cv-02190-ART-NJK · Decided December 29, 2025

OPINION

Artis

PER CURIAM.

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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

4 MARTEL ARTIS, Case No. 2:25-cv-02190-ART-NJK 5 Petitioner, ORDER TO SHOW CAUSE

6 v.

7 WARDEN OF HIGH DESERT STATE

PRISON,

8 Respondent. 9

10 Pro se Petitioner Martel Artis has filed a Petition for Writ of Habeas Corpus 11 under 28 U.S.C.
§ 2254 and a financial certificate. (ECF Nos. 1-1, 4.) This Court 12 finds that good cause exists to
grant Artis leave to proceed in forma pauperis 13 (“IFP”). This matter comes before this Court for
initial review of the Petition under 14 the Rules Governing Section 2254 Cases (“Habeas Rules”).
For the reasons 15 discussed below, this Court directs Artis to show cause why his Petition should
16 not be dismissed without prejudice as wholly unexhausted.

17 I. BACKGROUND1

18 Artis challenges a conviction and sentence imposed by the Eighth Judicial 19 District Court
 (“state court”) in case number C-24-385362-1. The state court 20 entered a judgment of
 conviction on January 1, 2025, convicting Artis of 21 conspiracy to commit robbery. Artis was
 sentenced to 14 to 48 months in prison.

22 II. DISCUSSION

23 Habeas Rule 4 requires the assigned judge to examine the habeas petition 24 and order a
 response unless it “plainly appears” that the petition is not entitled 25 to relief. See Valdez v.
 Montgomery, 918 F.3d 687, 693 (9th Cir. 2019). This rule 26 1 The Court takes judicial notice of
 the online docket records of the Eighth 27 Judicial District Court
 (<https://www.clarkcountycourts.us/portal>) and Nevada appellate courts
 (<http://caseinfo.nvsupremecourt.us/public/caseSearch.do>). 28 1 allows courts to screen and
 dismiss petitions that are patently frivolous, vague, 2 conclusory, palpably incredible, false, or
 plagued by procedural defects. Boyd v. 3 Thompson, 147 F.3d 1124, 1128 (9th Cir. 1998);

Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) (collecting cases). 5 A claim remains unexhausted until the petitioner has given the highest 6 available state court the opportunity to consider the claim through direct appeal 7 or state collateral-review proceedings. O’Sullivan v. Boerckel, 526 U.S. 838, 844– 845 (1999); see also Coleman v. Thompson, 501 U.S. 722, 731 (1991) (explaining 9 that the exhaustion requirement is “grounded in principles of comity; in a federal 10 system, the States should have the first opportunity to address and correct 11 alleged violations of state prisoner’s federal rights”). To properly exhaust state 12 remedies on each claim, the habeas petitioner must “present the state courts with 13 the same claim he urges upon the federal court.” Picard v. Connor, 404 U.S. 270, 276 (1971). The federal constitutional implications of a claim, not just issues of 15 state law, must have been raised in the state court to achieve exhaustion. Woods 16 v. Sinclair, 764 F.3d 1109, 1129 (9th Cir. 2014); Castillo v. McFadden, 399 F.3d 993, 999 (9th Cir. 2005) (fair presentation requires both the operative facts and 18 federal legal theory upon which a claim is based). A federal court may not 19 entertain a habeas petition unless the petitioner has exhausted all available and 20 adequate state court remedies for all claims in his or her petition. Rose v. Lundy, 455 U.S. 509, 510 (1982). 22 Because it does not appear that Artis filed a direct appeal or state habeas 23 petition, he must show cause why his Petition, which appears to be wholly 24 unexhausted, should not be dismissed without prejudice. Notably, if this action 25 is dismissed without prejudice, Artis would be able to refile his Petition in a new 26 case before this Court after he has exhausted his state-court remedies, including, 27 28 1 for example, filing a state habeas petition in the Eighth Judicial District Court 22 and then appealing that decision to the Nevada appellate courts. 33 Artis has also filed a motion for extension of time. (ECF No. 5.) It is unclear 4 what extension of time Artis is seeking to extend, so the Court denies the motion. 5 However, because Artis mentions filing a state habeas petition within this motion, 6 meaning he potentially meant this motion to act as a request to stay this 7 proceeding and treat his habeas petition as a protective petition, the Court notes 8 that he may make this specific request within his response to this Order to Show 9 Cause. 4

10 III. CONCLUSION

11 It is therefore ordered that the motion to extend time (ECF No. 5) is denied. 12 It is further ordered that Artis show cause on or before January 19, 2026, 13 unless more time is requested, why his Petition should not be dismissed without 14 prejudice as wholly unexhausted. If Artis does not timely respond to this Order, 15 16 2 The Court notes that “a petition that challenges the validity of a judgment of conviction or sentence must be filed within 1 year after entry of the judgment of 17 conviction or, if an appeal has been taken from the judgment, within 1 year after the appellate court of competent jurisdiction . . . issues its remittitur.” Nev. Rev. 18 Stat. § 34.726(1). 3 Artis remains responsible for calculating the running of the federal limitation 19 period and timely presenting claims. The Court notes that the Antiterrorism and 20 Effective Death Penalty Act (“AEDPA”) establishes a 1-year period of limitations for state prisoners to file a federal habeas petition. The 1-year limitation period 21 begins to run from the latest of 4

possible triggering dates, with the most common being the date on which the petitioner's judgment of conviction became final. The 22 federal limitations period is tolled while a properly filed state habeas petition (or 23 other collateral review with respect to the pertinent judgment) is pending, but no statutory tolling is allowed for the period between finality of a direct appeal and 24 the filing of a state habeas petition. 4The Court is authorized to stay an unexhausted petition in "limited 25 circumstances" to allow a petitioner to present unexhausted claims to the state court without losing his or her right to federal habeas review due to the relevant 26 one-year statute of limitations. *Rhines v. Weber*, 544 U.S. 269, 273–75 (2005) 27 (explaining that a stay and abeyance is only appropriate when the district court determines there was good cause for the petitioner's failure to exhaust his claims 28 first in state court). 1 || the Petition will be dismissed without prejudice without further advance notice. 2 DATED THIS 29th day of December 2025. 3

6 UNITED STATES DISTRICT JUDGE

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