

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
MISSOULA DIVISION

Victor C. Fourstar v. Missoula County Sheriff Jeremiah Peterson

Cause No. CV 25-141-M-DWM (D. Mont. Feb. 3, 2026) · No. CV 25-141-M-DWM · Decided February 3, 2026

SUMMARY

The United States District Court for the District of Montana denied Victor C. Fourstar’s motion for a certificate of appealability. The court held that Fourstar had not shown that reasonable jurists could debate either the denial of his motion to reopen under Federal Rule of Civil Procedure 60(b) or the dismissal of his underlying habeas petition. The order was entered after the court previously dismissed his pretrial-detainee habeas claims as unexhausted and subject to Younger abstention.

CASE DETAILS

COURT	United States District Court for the District of Montana, Missoula Division
WRITING FOR THE COURT	Donald W. Molloy
JURISDICTION	United States District Court for the District of Montana, Missoula Division
DECIDED	February 3, 2026
DOCKET	CV 25-141-M-DWM
DISPOSITION	cert_denied
PROCEDURAL POSTURE	Petitioner sought a certificate of appealability after the court denied his motion to reopen a previously dismissed habeas matter.
STANDARD OF REVIEW	A certificate of appealability for an appeal from denial of Rule 60(b) relief requires a showing that reasonable jurists could debate both whether the district court abused its discretion in denying Rule 60(b) relief and whether the underlying habeas petition states a valid constitutional claim.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	Victor C. Fourstar v. Missoula County Sheriff Jeremiah Peterson

TOPICS

- federal habeas corpus
- motion for reconsideration
- appellate procedure
- civil procedure
- standard of review

PRACTICE AREAS

Federal habeas corpus

Civil procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether Fourstar was entitled to relief from the dismissal judgment under Federal Rule of Civil Procedure 60(b).
2. Whether Fourstar was entitled to a certificate of appealability to appeal the denial of his motion to reopen and the dismissal of his underlying habeas petition.

HOLDINGS

1. Fourstar was not entitled to relief under Rule 60(b) because he failed to establish any ground under Rule 60(b)(1)-(5) or extraordinary circumstances under Rule 60(b)(6).
2. Fourstar was not entitled to a certificate of appealability because he did not show that reasonable jurists could debate either the denial of Rule 60(b) relief or whether his underlying habeas petition stated a valid constitutional claim.

KEY QUOTATIONS

“Fourstar is entitled to a certificate of appealability only if he shows “that (1) jurists of reason would find it debatable whether the district court abused its discretion in denying the Rule 60(b) motion and (2) jurists of reason would find it debatable whether the underling [habeas corpus petition] states a valid claim of the denial of a constitutional right.””

FACTUAL BACKGROUND

Fourstar was initially a pretrial detainee at the Missoula County Detention Facility and filed a habeas petition challenging his confinement. After dismissal, he was released, his backpack containing legal documents was stolen, and he was hospitalized. He was later returned to custody on a new criminal charge and sought to reopen the dismissed matter, but the court found no factual or legal basis for relief.

PROCEDURAL HISTORY

Fourstar initially filed an amended petition under 28 U.S.C. § 2254 while he was a pretrial detainee. The court construed the petition under 28 U.S.C. § 2241, determined that the claims were unexhausted, abstained under *Younger v. Harris*, and dismissed the matter. After Fourstar moved to reopen based on his release, loss of legal documents, hospitalization, and subsequent detention, the court denied that motion. Fourstar then moved for a certificate of appealability, which the court denied.

DISPOSITION

cert_denied

CASES CITED

- *Younger v. Harris*, 401 U.S. 37, 43-54 (1971)
- *Foley v. Biter*, 793 F.3d 998, 1002 (9th Cir. 2015)
- *Hamilton v. Newland*, 374 F.3d 822, 825 (9th Cir. 2004)
- *United States v. Winkles*, 795 F.3d 1134, 1142-43 (9th Cir. 2015)

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