

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Armando Delarosa v. Debrah Borgas

Delarosa · No. 3:25-cv-00749-MMD-CLB · Decided January 12, 2026

SUMMARY

The United States District Court for the District of Nevada screened Armando Delarosa’s petition for a writ of habeas corpus under 28 U.S.C. § 2254 and found that service was warranted. The court provisionally appointed the Federal Public Defender to represent Delarosa because the interests of justice supported appointment, including the allegation that the victim had recanted. The court directed Nevada’s counsel to appear and set deadlines for counsel’s response while making no determination regarding timeliness or tolling.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Miranda M. Du
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 12, 2026
DOCKET	3:25-cv-00749-MMD-CLB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner commenced a federal habeas action under 28 U.S.C. § 2254, filed a petition and a motion for appointment of counsel, and sought leave to proceed in forma pauperis. After screening the petition under Habeas Rule 4, the court ordered service and provisionally appointed the Federal Public Defender.
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 court may dismiss petitions that are patently frivolous, vague, conclusory, palpably incredible, false, or plagued by procedural defects.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown and not reported.
PARTIES	Armando Delarosa v. Debrah Borgas

TOPICS

federal habeas corpus

post-conviction relief

pleadings

due process

civil procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Civil procedure

QUESTIONS PRESENTED

1. Whether the federal habeas petition warranted service under Habeas Rule 4.
2. Whether counsel should be appointed for the indigent petitioner in the federal habeas proceeding.

HOLDINGS

1. The petition was not shown at the initial-review stage to be plainly unentitled to relief, so service of the petition on respondents was warranted.
2. The court provisionally appointed the Federal Public Defender because appointment was in the interests of justice, while recognizing that appointment is generally discretionary and that there is no constitutional right to appointed counsel in a federal habeas 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.” (at 1)

“However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims.” (at 2)

FACTUAL BACKGROUND

Delarosa was convicted in Nevada state court pursuant to a guilty plea of two counts of lewdness with a child under fourteen. He received two concurrent life sentences with the possibility of parole after ten years. His direct appeal was affirmed, and his state habeas proceedings concluded after the Nevada Court of Appeals affirmed denial of relief in September 2025. In his federal petition, Delarosa sought appointment of counsel and represented that the victim had recanted her allegations.

PROCEDURAL HISTORY

Delarosa pleaded guilty in Nevada state court and was convicted and sentenced to two concurrent life sentences with parole eligibility after ten years. The Nevada Court of Appeals affirmed his conviction in 2020. His later state habeas petition was initially dismissed as untimely, was remanded after appellate reversal, and was ultimately denied with the denial affirmed in 2025. He then filed this federal habeas petition, which the district court screened and ordered served while appointing counsel.

DISPOSITION

other

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)
- Pennsylvania v. Finley, 481 U.S. 551, 555 (1987)
- Luna v. Kernan, 784 F.3d 640, 642 (9th Cir. 2015)
- Lawrence v. Florida, 549 U.S. 327, 336-37 (2007)
- LaMere v. Risley, 827 F.2d 622, 626 (9th Cir. 1987)
- Brown v. United States, 623 F.2d 54, 61 (9th Cir. 1980)
- Sossa v. Diaz, 729 F.3d 1225, 1235 (9th Cir. 2013)

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