

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Tony Wood v. John Henley

Wood v. Henley, No. 3:25-cv-00696-ART-CLB (D. Nev. Dec. 29, 2025) · No. 3:25-cv-00696-ART-CLB ·
Decided December 29, 2025

SUMMARY

The United States District Court for the District of Nevada dismissed Tony Wood’s 28 U.S.C. § 2254 petition as not cognizable under habeas corpus jurisdiction. The court held that a challenge to Wood’s ineligibility for a Nevada commutation hearing would not necessarily result in immediate or speedier release and therefore would, if pursued, belong under 42 U.S.C. § 1983. The court denied a certificate of appealability and Wood’s motion for appointment of counsel, and directed the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 29, 2025
DOCKET	3:25-cv-00696-ART-CLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2254 and moved for appointment of counsel. On preliminary review under Habeas Rule 4, the district court dismissed the petition as not cognizable and denied the motion for counsel.
STANDARD OF REVIEW	Under Habeas Rule 4, the assigned judge must examine the petition and order a response unless it plainly appears that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unknown; district court dismissal order with no reporter or neutral citation

TOPICS

- federal habeas corpus
- post-conviction relief
- clemency
- ex post facto
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- constitutional law
- post-conviction relief
- clemency

QUESTIONS PRESENTED

1. Whether Wood's challenge to his ineligibility for consideration for commutation was cognizable under 28 U.S.C. § 2254.
2. Whether the petition should be dismissed at preliminary review because success would not necessarily lead to immediate or speedier release.
3. Whether Wood was entitled to appointment of counsel or a certificate of appealability.

HOLDINGS

1. A state prisoner's claim is not cognizable in habeas when success would not necessarily lead to immediate or earlier release from custody; such a claim must be brought, if at all, under 42 U.S.C. § 1983. Because eligibility to be considered for commutation would not necessarily result in a pardon or commutation, Wood's claim was outside the core of habeas.
2. The petition was subject to dismissal under Habeas Rule 4 because it plainly appeared that Wood was not entitled to habeas relief.

KEY QUOTATIONS

“If success on a habeas claim would not necessarily lead to a petitioner’s immediate or earlier release from custody, the claim does not fall within “the core of habeas corpus” and must be brought, “if at all,” under 42 U.S.C. § 1983.” (at 1)

“Success on the merits of Wood’s claim would not necessarily lead to his immediate or speedier release because a finding that Wood could be seen by the Nevada State Board of Pardons Commissioners would not necessarily lead to a grant of a pardon.” (at 1)

FACTUAL BACKGROUND

Wood began serving a life sentence for first-degree murder in 1978. He alleged that he was found ineligible to be considered by the Nevada State Board of Pardons Commissioners for commutation under Nevada Administrative Code 213.103, enacted in 2010. He argued that applying the regulation to him violated the Ex Post Facto Clause.

PROCEDURAL HISTORY

Tony Wood filed a § 2254 petition challenging his alleged ineligibility for consideration by the Nevada State Board of Pardons Commissioners for commutation of his life sentence. The district court conducted preliminary review, determined that success would not necessarily result in immediate or speedier release, dismissed the petition, denied a certificate of appealability and the motion for counsel, and directed the clerk to enter final judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019)
- Nettles v. Grounds, 830 F.3d 922, 930-34 (9th Cir. 2016) (en banc)
- Powell v. State, No. 76448, 2019 WL 1245614, at *1 n.2 (Nev. Mar. 15, 2019)
- Stanhope v. Ryan, No. CV-14-00310-TUC-BPV, 2017 WL 1163303, at *8 (D. Ariz. Mar. 29, 2017)

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