

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, BEAUMONT DIVISION

Joshua Nowland v. Director, TDCJ-CID

Nowland · No. 1:25cv333 · Decided January 27, 2026

SUMMARY

The United States District Court for the Eastern District of Texas overruled Joshua Nowland’s objections and adopted the magistrate judge’s recommendation to dismiss his 28 U.S.C. § 2254 petition without prejudice. The court held that allegations concerning a forged appeal did not establish custody in violation of federal law and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Beaumont Division
WRITING FOR THE COURT	Michael J. Truncale
JURISDICTION	United States District Court for the Eastern District of Texas, Beaumont Division
DECIDED	January 27, 2026
DOCKET	1:25cv333
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner objected to a magistrate judge's report and recommendation recommending dismissal of his federal habeas petition as successive. The district court conducted de novo review of the objections, overruled them, adopted the report and recommendation to the extent it recommended dismissal without prejudice, and denied a certificate of appealability.
STANDARD OF REVIEW	De novo review of the petitioner's objections to the magistrate judge's report and recommendation. For a certificate of appealability, the petitioner must make a substantial showing of the denial of a federal constitutional right, including by showing that reasonable jurists could debate the resolution of the issues.
PRECEDENTIAL VALUE	Unknown
PARTIES	Joshua Nowland v. Director, TDCJ-CID

TOPICS

federal habeas corpus successive petitions post-conviction relief civil procedure

PRACTICE AREAS

federal habeas corpus post-conviction relief federal civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether Nowland's allegations that an appeal was forged and that state judges obstructed justice demonstrated that he was in custody in violation of the Constitution, laws, or treaties of the United States.
2. Whether the habeas petition should be dismissed without prejudice as recommended by the magistrate judge.
3. Whether Nowland was entitled to a certificate of appealability.

HOLDINGS

1. Even accepting Nowland's allegations regarding a forged appeal as true, those allegations did not demonstrate that he was in custody in violation of the Constitution, laws, or treaties of the United States; therefore, he was not entitled to habeas relief.
2. The objections were overruled and the petition was dismissed without prejudice.
3. A certificate of appealability would not issue because Nowland did not show that reasonable jurists could debate whether his petition provided a basis for relief or that the issues deserved further encouragement.

KEY QUOTATIONS

“Even if petitioner’s allegations regarding an appeal being forged are accepted as true, they would not demonstrate he is in custody in violation of the Constitution or laws or treaties of the United States.” (at 1)

“The factual and legal questions raised by petitioner have been consistently resolved adversely to his position and the questions presented are not worthy of encouragement to proceed further.” (at 2)

FACTUAL BACKGROUND

Joshua Nowland is an inmate at the Wallace Unit of the Texas Department of Criminal Justice and was convicted of aggravated robbery in 2013. He alleged that he sent a mandamus petition to the Supreme Court and copies to the Fifth Circuit and two Jefferson County, Texas, state district judges, and that someone later forged an appeal. He argued that the alleged forgery and obstruction of justice entitled him to release from custody.

PROCEDURAL HISTORY

Nowland, a Texas inmate convicted of aggravated robbery in 2013, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to Magistrate Judge Christine L. Stetson, who recommended dismissal as successive. After Nowland filed objections asserting that state judges forged an appeal and

obstructed justice, the district court reviewed the objections de novo and dismissed the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- Slack v. McDaniel, 529 U.S. 583-84 (2000)
- Elizalde v. Dretke, 362 F.3d 323, 328 (5th Cir.)
- Miller v. Johnson, 200 F.3d 274, 280-81 (5th Cir.)

OPINION

Nowland

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JOSHUA NOWLAND §

VS. § CIVIL ACTION NO. 1:25cv333

DIRECTOR, TDCJ-CID §

ORDER OVERRULING OBJECTIONS AND ADOPTING

THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Joshua Nowland, an inmate at the Wallace Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding pro se, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In 2013, petitioner was convicted of aggravated robbery. The Court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration pursuant to applicable orders of this Court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be dismissed as successive. The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Petitioner filed objections to the Report and Recommendation. The Court must therefore conduct a de novo review of the objections in relation to the pleadings and the applicable law. In his objections, petitioner states he is not challenging the conviction described above. Instead, he is informing the Court of crimes that have been committed against him. Petitioner states that on May 25, 2022, he sent a petition for writ of mandamus, along with a motion to proceed inform a pauperis, to the Supreme Court. He asserts he sent copies of his petition to the United States Court of Appeals for the Fifth Circuit and two state district judges in Jefferson County, Texas. Petitioner alleges a forged appeal was received by the Supreme Court on June 17,

2022. He states he did not authorize anyone to write a petition for mandamus or forge an appeal. Petitioner contends only the Fifth Circuit and the two state district judges knew about the petition. He asserts the state district judges forged his appeal and that as a result of this alleged obstruction of justice, he should be released. Title 28 U.S.C. § 2241(c)(2) provides that a writ of habeas corpus may be granted if a petitioner demonstrates he is in custody in violation of the Constitution or laws or treaties of the United States. Even if petitioner's allegations regarding an appeal being forged are accepted as true, they would not demonstrate he is in custody in violation of the Constitution or laws or treaties of the United States. As a result, petitioner is not entitled to a writ of habeas corpus. His petition should therefore be dismissed without prejudice.

ORDER

Accordingly, petitioner's objections [Dkt. 9] are **OVERRULED**. The report of the Magistrate Judge [Dkt. 8] is **ADOPTED** to the extent it recommends the petition be dismissed without prejudice. A final judgment will be entered dismissing the petition. In addition, the Court is of the opinion that the petitioner is not entitled to a certificate of appealability. An appeal from a judgment denying federal habeas relief may not proceed unless a judge issues a certificate of appealability. See 28 U.S.C. § 2253. The standard that must be met in order to receive a certificate of appealability requires the petitioner to make a substantial showing of the denial of a federal constitutional right. See *Slack v. McDaniel*, 529 U.S. 583-84 (2000); *Elizalde v. Dretke*, 362 F.3d 323, 328 (5th Cir. 2004). To make a substantial showing, the petitioner is not required to demonstrate that he would prevail on the merits. Rather, he need only demonstrate that the issues are subject to debate among jurists of reason, that a court could resolve the issues in a different manner, or that the questions presented in the petition are worthy of encouragement to proceed further. See *Slack*, 529 U.S. at 483-84. Any doubt regarding whether to grant a certificate of appealability should be resolved in favor of the petitioner, and the severity of the penalty may be considered in making this determination. See *Miller v. Johnson*, 200 F.3d 274, 280-81 (5th Cir. 2000). 2 In this case, the petitioner has not shown that the issue of whether his petition provides him with a basis for relief is subject to debate among jurists of reason. The factual and legal questions raised by petitioner have been consistently resolved adversely to his position and the questions presented are not worthy of encouragement to proceed further. As a result, a certificate of appealability shall not issue in this matter. SIGNED this 27th day of January, 2026. Vhuthodl G, Gruneakn- Michael J. 'Truncalc United States District Judge