

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.)

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