

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, FORT WAYNE DIVISION

Nicholas Scott Harvel v. Sheriff

Cause No. 1:26-CV-14-GSL-JEM · No. 1:26-CV-14-GSL-JEM · Decided May 5, 2026

SUMMARY

The United States District Court for the Northern District of Indiana dismissed Nicholas Scott Harvel's habeas petition challenging custody under an extradition warrant. The court concluded that the claims were moot or unexhausted, denied a certificate of appealability, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, Fort Wayne Division
WRITING FOR THE COURT	Gretchen S. Lund
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	May 5, 2026
DOCKET	1:26-CV-14-GSL-JEM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas petition dismissed at the screening stage under Rule 4 of the Rules Governing Section 2254 Cases; certificate of appealability denied.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court must dismiss a petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. For a petition dismissed on procedural grounds, a certificate of appealability requires a showing that reasonable jurists could debate both the procedural ruling and whether the petition states a valid constitutional claim.
PRECEDENTIAL VALUE	unpublished
PARTIES	Nicholas Scott Harvel v. Sheriff

TOPICS

federal habeas corpus

post-conviction relief

appellate procedure

standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the habeas petition should be dismissed under Rule 4 because the claims were moot or unexhausted.
2. Whether Harvel was entitled to a certificate of appealability after the petition was dismissed on procedural grounds.

HOLDINGS

1. The petition must be dismissed because the claims are moot or unexhausted, and Harvel did not respond to the court's opportunity to address those defects.
2. A certificate of appealability must be denied because reasonable jurists would not debate the correctness of the procedural dismissal.

KEY QUOTATIONS

“If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.”

FACTUAL BACKGROUND

Nicholas Scott Harvel was detained at the Allen County Jail pursuant to an extradition warrant issued by the Winnebago Circuit Court in Illinois. He filed a federal habeas petition challenging that custody and did not respond to the court's order giving him an opportunity to address the apparent mootness or failure to exhaust his claims.

PROCEDURAL HISTORY

Harvel, an incarcerated self-represented petitioner, filed a petition challenging his custody at the Allen County Jail under an extradition warrant issued by an Illinois court. The court previously determined that the claims appeared moot or unexhausted and allowed Harvel until April 24, 2026, to respond. He did not respond, so the court dismissed the petition and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION NICHOLAS SCOTT HARVEL, Petitioner, v. CAUSE NO. 1:26-CV-14-GSL-JEM SHERIFF, Respondent. OPINION AND ORDER Nicholas Scott Harvel, a prisoner without a lawyer, filed a habeas petition challenging his custody at the Allen County Jail pursuant to an extradition warrant issued by the Winnebago Circuit Court in Illinois.

Pursuant to Section 2254 Habeas Corpus Rule 4, the court must dismiss the petition “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.” In the prior order, the court found that Harvel’s claims appeared to be either moot or unexhausted but granted him an opportunity to respond by April 24, 2026, rather than immediately dismissing this case.

ECF 2. That deadline has passed without any response from Harvel. Consequently, the court will dismiss the petition because the claims are either moot or unexhausted. Pursuant to Section 2254 Habeas Corpus Rule 11, the court must consider whether to grant or deny a certificate of appealability.

To obtain a certificate of appealability when a petition is dismissed on procedural grounds, the petitioner must show that reasonable jurists would find it debatable (1) whether the court was correct in its procedural ruling and (2) whether the petition states a valid claim for denial of a constitutional right. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Here, there is no basis for finding that jurists of reason would debate the correctness of this procedural ruling. Therefore, the court denies Harvel a certificate of appealability. For these reasons, the court: (1) DISMISSES the petition (ECF 1) pursuant to Rule 4 of the Rules Governing Section 2254 Cases because the claims are moot and unexhausted; (2) DENIES Nicholas Scott Harvel a certificate of appealability pursuant to Section 2254 Habeas Corpus Rule 11; and (3) DIRECTS the clerk to close this case.

SO ORDERED on May 5, 2026 /s/Gretchen S. Lund JUDGE UNITED STATES DISTRICT COURT