

**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

OPINION

Harvel

PER CURIAM.

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

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