

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Reynaldo Gardner v. N. Breitenbach

Gardner · No. 3:26-cv-00014-ART-CSD · Decided January 13, 2026

SUMMARY

The United States District Court for the District of Nevada screened Reynaldo Gardner’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court granted his application to proceed in forma pauperis, directed service of the petition, and concluded that a response was warranted because the timeliness of the petition depended on the status of his pending state habeas proceedings. The court also advised that appointment of counsel appeared to be in the interests of justice and allowed Gardner until January 30, 2026, to request counsel.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 13, 2026
DOCKET	3:26-cv-00014-ART-CSD
DISPOSITION	other
PROCEDURAL POSTURE	Gardner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, an application to proceed in forma pauperis, and a financial certificate. The district court conducted its initial screening under Rule 4 Governing Section 2254 Cases, granted in forma pauperis status, found that the petition did not plainly suffer from procedural default, directed service, and gave Gardner an opportunity to request appointed counsel.
STANDARD OF REVIEW	Under Habeas Rule 4, the court must examine the petition and order a response unless it plainly appears that the petitioner is not entitled to relief; the rule permits screening and dismissal of petitions that are patently frivolous, vague, conclusory, palpably incredible, false, or afflicted by procedural defects.
PRECEDENTIAL VALUE	Unknown; district court screening order with no reporter citation
PARTIES	Reynaldo Gardner v. N. Breitenbach

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QUESTIONS PRESENTED

1. Whether Gardner's § 2254 petition plainly appeared to be barred by procedural default or the AEDPA statute of limitations at the Rule 4 screening stage.
2. Whether the court should permit the petition to proceed and direct respondents to respond.
3. Whether the interests of justice appeared to support possible appointment of counsel.

HOLDINGS

1. Because the petition did not patently suffer from procedural default and the limitations issue depended on the status of Gardner's second state habeas proceeding, the petition was not subject to dismissal at initial screening and a response was warranted.
2. For Gardner's Nevada conviction, the federal limitations period began running on November 13, 2024, after expiration of the ninety-day period for seeking United States Supreme Court review, and the second state habeas proceeding could toll that period if it was properly filed.
3. The court found that appointment of counsel appeared to be in the interests of justice but deferred appointment unless Gardner requested counsel by January 30, 2026.

KEY QUOTATIONS

"This rule allows courts to screen and dismiss petitions that are patently frivolous, vague, conclusory, palpably incredible, false, or plagued by procedural defects." (at 2)

"In sum, given that Gardner's Petition does not patently suffer from a procedural default, it finds that a response is warranted in the instant case." (at 4)

FACTUAL BACKGROUND

Gardner challenges a June 7, 2023 Nevada judgment convicting him of burglary while in possession of a deadly weapon, robbery and battery with deadly weapons involving an elderly victim, and possession of a firearm by a prohibited person. He received multiple prison sentences, including two life sentences with the possibility of parole after ten years. The Nevada Supreme Court affirmed his conviction on August 14, 2024. His first state habeas petition was denied without an apparent appeal, and his second state habeas petition was denied while its appeal remained pending when he filed the federal petition.

PROCEDURAL HISTORY

Gardner was convicted and sentenced by the Eighth Judicial District Court for Clark County, Nevada. The Nevada Supreme Court affirmed the judgment on August 14, 2024, and remittitur issued on September 10, 2024. Gardner filed two state habeas petitions; the appeal from denial of the second remained pending when he filed

this federal petition. The federal district court issued this initial screening order, directing service rather than dismissing the petition.

DISPOSITION

other

CASES CITED

- Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019)
- Boyd v. Thompson, 147 F.3d 1124, 1128 (9th Cir. 1998)
- Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990)
- Harris v. Carter, 515 F.3d 1051, 1053 n.1 (9th Cir. 2008)
- Shannon v. Newland, 410 F.3d 1083, 1086 (9th Cir. 2005)
- Nino v. Galaza, 183 F.3d 1003, 1006-07 (9th Cir. 1999)
- Rasberry v. Garcia, 448 F.3d 1150, 1153 n.1 (9th Cir. 2006)

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