

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Luis Lopez v. State of Nevada

Lopez · No. 3:25-cv-00726-ART-CLB · Decided January 16, 2026

SUMMARY

The United States District Court for the District of Nevada grants Luis Lopez's application to proceed in forma pauperis and dismisses his 28 U.S.C. § 2254 habeas petition without prejudice. The court finds that the petition does not present a cognizable federal habeas claim and appears to be wholly unexhausted, and it denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 16, 2026
DOCKET	3:25-cv-00726-ART-CLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Initial screening of a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 and an application to proceed in forma pauperis.
STANDARD OF REVIEW	Under Habeas Rule 4, the court must examine a habeas petition and order a response unless it plainly appears that the petitioner is not entitled to relief; petitions that are patently frivolous, vague, conclusory, palpably incredible, false, or plagued by procedural defects may be screened and dismissed.
PRECEDENTIAL VALUE	unpublished

TOPICS

- federal habeas corpus
- post-conviction relief
- habeas corpus
- criminal procedure
- procedural due process

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- criminal procedure

QUESTIONS PRESENTED

1. Whether Lopez's allegation that Nevada statutes were improperly enacted stated a cognizable federal habeas claim under 28 U.S.C. § 2254.

2. Whether the petition was subject to dismissal because Lopez had not exhausted available state-court remedies.
3. Whether extraordinary circumstances justified federal intervention in the state criminal matter.

HOLDINGS

1. A federal habeas petition under 28 U.S.C. § 2254 must allege that the petitioner is in custody in violation of the Constitution, laws, or treaties of the United States; an asserted defect in the enactment or interpretation of state law does not, without more, present a cognizable federal habeas claim.
2. A state prisoner generally must fully exhaust available state-court remedies before seeking federal habeas relief, and a petition presenting wholly unexhausted claims is subject to dismissal.
3. Federal courts generally will not intervene in an ongoing state criminal proceeding absent extraordinary circumstances, and no extraordinary circumstances were presented here.

KEY QUOTATIONS

“A state prisoner is entitled to federal habeas relief only if he is being held in custody in violation of the constitution, laws, or treaties of the United States.” (at 1)

“A state defendant seeking federal habeas relief must fully exhaust his state court remedies before presenting his constitutional claims to the federal courts.” (at 2)

FACTUAL BACKGROUND

In April 2025, a Nevada state district court entered a judgment of conviction against Lopez pursuant to a guilty plea for battery with use of a deadly weapon and battery with intent to commit robbery. Lopez alleged that the state court lacked personal jurisdiction because the Nevada Revised Statutes had not been properly enacted. He acknowledged that he had not appealed the conviction and had not filed a state habeas post-conviction petition.

PROCEDURAL HISTORY

Luis Lopez filed a federal § 2254 petition challenging a Nevada state-court conviction entered pursuant to a guilty plea, along with an application to proceed in forma pauperis. Lopez stated that he had not appealed the conviction or filed a state post-conviction habeas petition. Upon initial review under Habeas Rule 4, the court granted in forma pauperis status, dismissed the petition without prejudice, denied a certificate of appealability, and directed the clerk to enter final judgment and close the case.

DISPOSITION

dismissed

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)
- *Burkey v. Deeds*, 824 F. Supp. 190, 192 (D. Nev. 1993)
- *Lewis v. Jeffers*, 497 U.S. 764, 780 (1990)
- *Estelle v. McGuire*, 502 U.S. 62, 67–68 (1991)
- *Langford v. Day*, 110 F.3d 1380, 1389 (9th Cir. 1997)
- *Arevalo v. Hennessy*, 882 F.3d 763, 764–67 (9th Cir. 2018)
- *Coleman v. Thompson*, 501 U.S. 722, 731 (1991)
- *Sherwood v. Tomkins*, 716 F.2d 632, 634 (9th Cir. 1983)
- *Carden v. Montana*, 626 F.2d 82, 83–85 (9th Cir. 1980)

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 LUIS LOPEZ, Case
No. 3:25-cv-00726-ART-CLB 6 Petitioner, ORDER v. 7 STATE OF NEVADA, 8 Respondents. 9
10 Pro se Petitioner Luiz Lopez commenced this habeas action by filing a 11 Petition for Writ of
Habeas Corpus under 28 U.S.C. § 2254 and an Application to 12 Proceed In Forma Pauperis
("IFP"). ECF Nos. 1, 5.

This habeas matter is before 13 the Court for initial review under the Rules Governing Section
2254 Cases.¹ For 14 the reasons discussed below, the Court grants the IFP application and
dismisses 15 the § 2254 petition without prejudice. 16 Background 17 In April 2025, the state
district court entered a judgment of conviction 18 pursuant to a guilty plea for battery with use of a
deadly weapon and battery with 19 intent to commit robbery.

Lopez asserts that he has not appealed the conviction 20 and has not filed a state habeas
postconviction petition. In his petition, he asserts 21 that the state district court lacked personal
jurisdiction because the Nevada 22 revised statutes were not properly passed. 23 Discussion 24
Pursuant to Habeas Rule 4, the assigned judge must examine the habeas 25 petition and order a
response unless it "plainly appears" that the petitioner is not 26 27 1 All references to a "Habeas
Rule" or the "Habeas Rules" in this order identify the Rules Governing Section 2254 Cases in the
United States District Courts.

28 1 entitled to relief. See *Valdez v. Montgomery*, 918 F.3d 687, 693 (9th Cir. 2019). 2 This rule
allows courts to screen and dismiss petitions that are patently frivolous, 3 vague, conclusory,
palpably incredible, false, or plagued by procedural defects. 4 *Boyd v. Thompson*, 147 F.3d 1124,
1128 (9th Cir. 1998); *Hendricks v. Vasquez*, 5 908 F.2d 490, 491 (9th Cir.

1990) (collecting cases). 6 Lopez's petition is subject to multiple defects. Lopez fails to allege a 7
cognizable federal habeas claim. A state prisoner is entitled to federal habeas 8 relief only if he is
being held in custody in violation of the constitution, laws, or 9 treaties of the United States. 28
U.S.C. § 2254(a). "Thus, a habeas corpus 10 petition must allege a deprivation of one or more

federal rights to present a cognizable federal habeas corpus claim.” *Burkey v. Deeds*, 824 F. Supp. 190, 192 (D.

Nev. 1993). Federal habeas relief is unavailable “for errors of state law.” *Lewis v. Jeffers*, 497 U.S. 764, 780 (1990). A state’s interpretation of its own laws or rules provides no basis for federal habeas relief because no federal question arises. *Estelle v. McGuire*, 502 U.S. 62, 67–68 (1991) (federal courts may not reexamine state court decisions on state law issues).

A petitioner “may not transform a state-law issue into a federal one merely by asserting a violation of due process.” *Langford v. Day*, 110 F.3d 1380, 1389 (9th Cir. 1997). In addition, even if Lopez presented a cognizable habeas claim, it appears that his claims are wholly unexhausted. A state defendant seeking federal habeas relief must fully exhaust his state court remedies before presenting his constitutional claims to the federal courts.

E.g., *Arevalo v. Hennessy*, 882 F.3d 763, 764–67 (9th Cir. 2018) (finding that California petitioner properly exhausted his state remedies by filing two motions in the trial court, a habeas petition in the court of appeal, and a habeas petition in the state supreme court).

The exhaustion requirement ensures that state courts, as a matter of federal-state comity, will have the first opportunity to review and correct alleged violations of federal constitutional guarantees. *Coleman v. Thompson*, 501 U.S. 722, 731 (1991).

As a general rule, a federal court will not entertain a petition seeking intervention in an ongoing state criminal proceeding absent extraordinary circumstances, even when a petitioner’s claims were otherwise fully exhausted in the state courts. E.g., *Sherwood v. Tomkins*, 716 F.2d 632, 634 (9th Cir. 1983); *Carden v. Montana*, 626 F.2d 82, 83–85 (9th Cir.

1980). No extraordinary circumstances are presented here. Lopez’s petition is dismissed without prejudice. Conclusion IT THEREFORE IS ORDERED: 1. Petitioner Luis Lopez’s petition for writ of habeas corpus (ECF No. 5) is dismissed without prejudice. 2. Petitioner’s application to proceed in forma pauperis (ECF No. 1) is granted.

Petitioner is denied a certificate of appealability, as jurists of reason would not find the Court’s dismissal of the petition to be debatable or wrong. 4. The Clerk of the Court is directed to enter final judgment accordingly and close this case. DATED THIS 16th day of January 2026. UNITED STATES DISTRICT JUDGE