

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PRECEDENTIAL VALUE	unpublished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)

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