

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

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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.<sup>1</sup> 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 11 cognizable federal habeas corpus claim." *Burkey v. Deeds*, 824 F.  
Supp. 190, 192 12 (D.

Nev. 1993). 13 Federal habeas relief is unavailable "for errors of state law." *Lewis v. 14 Jeffers*,  
497 U.S. 764, 780 (1990). A state's interpretation of its own laws or rules 15 provides no basis for

federal habeas relief because no federal question arises. 16 *Estelle v. McGuire*, 502 U.S. 62, 67–68 (1991) (federal courts may not reexamine 17 state court decisions on state law issues).

A petitioner “may not transform a state- 18 law issue into a federal one merely by asserting a violation of due process.” 19 *Langford v. Day*, 110 F.3d 1380, 1389 (9th Cir. 1997). 20 In addition, even if Lopez presented a cognizable habeas claim, it appears 21 that his claims are wholly unexhausted. A state defendant seeking federal habeas 22 relief must fully exhaust his state court remedies before presenting his 23 constitutional claims to the federal courts.

E.g., *Arevalo v. Hennessy*, 882 F.3d 24 763, 764–67 (9th Cir. 2018) (finding that California petitioner properly exhausted 25 his state remedies by filing two motions in the trial court, a habeas petition in 26 the court of appeal, and a habeas petition in the state supreme court).

The 27 exhaustion requirement ensures that state courts, as a matter of federal-state 28 comity, will have the first opportunity to review and correct alleged violations of 1 || federal constitutional guarantees. *Coleman v. Thompson*, 501 U.S. 722, 731 2 || (1991).

As a general rule, a federal court will not entertain a petition seeking 3 || intervention in an ongoing state criminal proceeding absent extraordinary 4 || circumstances, even when a petitioner’s claims were otherwise fully exhausted in 5 || the state courts. E.g., *Sherwood v. Tomkins*, 716 F.2d 632, 634 (9th Cir. 1983); 6 || *Carden v. Montana*, 626 F.2d 82, 83–85 (9th Cir.

1980). 7 No extraordinary circumstances are presented here. Lopez’s petition is 8 || dismissed without prejudice. 9 Conclusion 10 IT THEREFORE IS ORDERED: 11 1. Petitioner Luis Lopez’s petition for writ of habeas corpus (ECF No. 5) is 12 dismissed without prejudice. 13 2. Petitioner’s application to proceed in forma pauperis (ECF No. 1) is 14 granted. 15 3.

Petitioner is denied a certificate of appealability, as jurists of reason 16 would not find the Court’s dismissal of the petition to be debatable or 17 wrong. 18 4. The Clerk of the Court is directed to enter final judgment accordingly 19 and close this case. 20 21 DATED THIS 16th day of January 2026. 22 23 en 25 UNITED STATES DISTRICT JUDGE 26 27 28