

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Kevin Kohute v. Doctor Proctner, et al.

Kohute · No. 2:25-cv-02439-ART-MDC · Decided December 19, 2025

SUMMARY

The United States District Court for the District of Nevada denied Kevin Kohute’s application to proceed in forma pauperis because it was incomplete and summarily dismissed his 28 U.S.C. § 2241 habeas petition without prejudice. The court held that it lacked jurisdiction because Kohute was confined in Texas, had no alleged connection to Nevada, and the petition was frivolous and failed to state a valid basis for habeas relief.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 19, 2025
DOCKET	2:25-cv-02439-ART-MDC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Kevin Kohute, an incarcerated pro se petitioner, filed an application to proceed in forma pauperis and a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The district court denied the in forma pauperis application and sua sponte summarily dismissed the action without prejudice for lack of jurisdiction and failure to allege a viable basis for habeas relief.
STANDARD OF REVIEW	The court screened the habeas petition and determined whether it presented a jurisdictional basis and a facially valid ground for federal habeas relief.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Kevin Kohute v. Doctor Proctner, et al.

TOPICS

- federal habeas corpus
- subject matter jurisdiction
- post-conviction relief
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the District of Nevada had jurisdiction under 28 U.S.C. § 2241 over a habeas petition filed by a person confined in a Texas jail when neither the custodian nor the respondents were located in Nevada.
2. Whether the court should transfer the action to the federal district court in Texas rather than dismiss it.
3. Whether the petition should be summarily dismissed because it was frivolous, lacked specific factual allegations, and did not assert a valid legal ground for federal habeas relief.
4. Whether the petitioner's incomplete application to proceed in forma pauperis should be denied.

HOLDINGS

1. The District of Nevada lacked jurisdiction to adjudicate the petition because Kohute was confined in Texas, no person with custody over him was located in Nevada, none of the respondents was located in Nevada, and the petition alleged no connection to Nevada.
2. Although the court had discretion to transfer the case to the United States District Court for the Eastern District of Texas, transfer was not warranted because the petition was wholly without merit and did not allege specific facts or a valid legal ground for habeas relief.
3. The petition was summarily dismissed without prejudice because it was frivolous, lacked specific factual allegations, and did not assert a valid legal ground on which federal habeas relief could be granted.
4. The application to proceed in forma pauperis was denied because Kohute failed to provide the information requested on the form.

KEY QUOTATIONS

“District Courts are limited to granting habeas relief ‘within their respective jurisdictions.’” (at 2)

“But the Court has examined Kohute’s habeas petition and finds that it is wholly without merit; it does not allege specific facts, or assert a valid legal ground, on which federal habeas corpus relief could be granted.” (at 2)

FACTUAL BACKGROUND

Kevin Kohute was incarcerated at the Smith County Jail in Tyler, Texas. He alleged that he was being held illegally or on a false arrest and complained about being forced to undergo a mental-health-related test at a state hospital. He did not allege any connection to Nevada, and none of the named respondents was located there.

PROCEDURAL HISTORY

Kohute initiated the action on December 8, 2025, challenging his incarceration and treatment at the Smith County Jail in Tyler, Texas. He did not pay the filing fee and submitted an incomplete in forma pauperis application. The District of Nevada determined that neither Kohute's custodian nor the respondents were located in Nevada, that the petition was frivolous and without merit, and that transfer to the Eastern District of Texas

would not further the interests of justice. The court dismissed the action without prejudice, denied a certificate of appealability, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004)

OPINION

Kohute

PER CURIAM.

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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

3 4 KEVIN KOHUTE, Case No. 2:25-cv-02439-ART-MDC 5 Petitioner, ORDER 6 v. 7 DOCTOR
PROCTNER, et al., 8 Respondents. 9 10 Kevin Kohute, who is incarcerated at the Smith County
Jail, in Tyler, 11 Texas, initiated this habeas corpus action, pro se, on December 8, 2025, by 12
submitting for filing an application to proceed in forma pauperis (ECF No. 1) and 13 a Petition for
Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1-1). 14 Kohute has not paid the filing
fee for this action. He has filed an application 15 to proceed in forma pauperis, but he has not
provided any of the information 16 called for on the form he used to draft the application. (ECF
No. 1.) The Court 17 will deny that application. 18 Nevertheless, the Court has examined Kohute’s
petition and determines 19 that it is frivolous and without merit, that this Court is without
jurisdiction to 20 adjudicate it, and that it must be summarily dismissed. 21 Kohute is in custody
in the Smith County Jail, in Tyler, Texas. (ECF No. 22 1-1 at 1.) Kohute appears to complain about
his incarceration at that jail (“I have 23 been committed illegally against my will....”) (“I’m in jail
on false arrest.”) and his 24 treatment there (“I’m being forced by death row Doctor Proctner to do
[an] 25 incompetent MHMR test at a state hospital....”). (Id. at 2.) Kohute does not allege 26 any
connection to the State of Nevada and none of the named respondents are 27 located in Nevada.
(See id.) Therefore, as no person with custody of Kohute, nor 1 || because this Court could not
possibly grant Kohute habeas corpus relief, this 2 || Court is without jurisdiction over this action.
“District Courts are limited to 3 || granting habeas relief ‘within their respective jurisdictions.’
Rumsfeld v. Padilla, 4 || 542 U.S. 426, 442 (2004) (quoting 28 U.S.C. § 2241(a)). 5 The Court
recognizes that it has discretion to transfer this case to the 6 || federal district court with
jurisdiction over the Smith County Jail, which would 7 || be the United States District Court for the
Eastern District of Texas, were it in 8 || furtherance of justice to do so. See 28 U.S.C. § 1631; 28

U.S.C. § 2241(d). But 9 || the Court has examined Kohute's habeas petition and finds that it is wholly 10 || without merit; it does not allege specific facts, or assert a valid legal ground, on 11 || which federal habeas corpus relief could be granted. The Court will summarily 12 || dismiss this frivolous habeas corpus action. 13 It is therefore ordered that Petitioner's Application to Proceed in Forma 14 || Pauperis (ECF No. 1) is denied. 15 It is further ordered that this action is dismissed without prejudice. The 16 || petitioner is denied a certificate of appealability. The Clerk of the Court is kindly 17 || directed to enter judgment accordingly and close this case. 18 DATED THIS 19th day of December, 2025. 19 an
a1 UNITED STATES DISTRICT JUDGE
22 23 24 25 26 27 28