

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

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| 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)

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