

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

OPINION

1 UNITED STATES DISTRICT COURT 2 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