

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL T. DAVITT,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48954

FILED

APR 09 2007

ORDER DENYING PETITION

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

This is a proper person petition for a writ of habeas corpus.¹ Petitioner challenges the validity of his judgment of conviction. Petitioner further argues that the clerk of the Eighth Judicial District Court failed to find a missing proper person document submitted for filing and failed to file an order that is not adequately identified by petitioner in his motion. We have reviewed the documents submitted to this court, and we conclude that this court's intervention is not warranted. A challenge to the validity of the judgment of conviction must be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.²

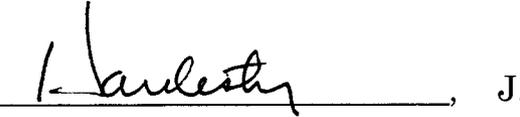
¹On February 23, 2007, this court received a proper person motion to amend the petition. We direct the clerk of this court to file the motion, and we grant the motion to amend the petition as set forth in the February 23, 2007 document.

²See NRS 34.724; NRS 34.738. We express no opinion as to whether petitioner may satisfy the procedural requirements of NRS chapter 34.

Petitioner has not demonstrated that the clerk of the district court has failed in any duty. Accordingly, we

ORDER the petition DENIED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Saitta

cc: Hon. Donald M. Mosley, District Judge
Michael T. Davitt
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk