

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERNEST JORD GUARDADO,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49874

FILED

AUG 17 2007

JANE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus, or alternatively, a writ of certiorari, or alternatively, a writ of habeas corpus. Petitioner seeks an order immediately releasing him from prison because he was allegedly deprived of a direct appeal without his consent. We have considered the documents submitted to this court, and we conclude that this court's intervention in this matter is not warranted at this time and that petitioner is not entitled to the relief requested.¹ An appeal deprivation claim may be litigated in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.² Petitioner

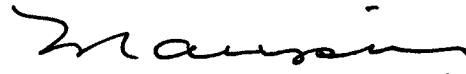
¹See NRS 34.020; NRS 34.160; NRS 34.170.

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

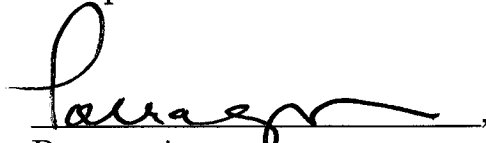


may then appeal from a final order of the district court denying a post-conviction petition for a writ of habeas corpus.³ Accordingly, we

ORDER the petition DENIED.

 C.J.

Maupin

 J.

Parraguirre

 J.

Saitta

cc: Hon. Robert H. Perry, District Judge
Ernest Jord Guardado
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Scott Edwards
Washoe District Court Clerk

³See NRS 34.575.