

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY CRAIG MONTELATICI,
Petitioner,

vs.

WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, JIM
BENEDETTI; DIRECTOR, NEVADA
DEPARTMENT OF CORRECTIONS,
HOWARD SKOLNIK AND THE STATE
OF NEVADA,
Respondents.

No. 51397

FILED

MAY 01 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION


This is a proper person petition for a writ of mandamus. Petitioner seeks an order directing the respondent to immediately release him into the custody of the Washoe County Sheriff and pay damages in the amount of \$300 a day accruing beginning February 20, 2008.

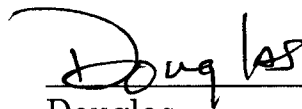
On February 20, 2008, the district court entered an order granting a post-conviction petition for a writ of habeas corpus. Petitioner asserts that his judgment of conviction was vacated and his case was remanded to the justice court for further proceedings. Petitioner complains that he has remained in the custody of the Nevada Department of Corrections and seeks an order directing his immediately release to the custody of the Washoe County Sheriff and damages for the time spent in the Nevada Department of Corrections after his habeas corpus petition was granted.

We have considered the matter, and we conclude that this court's intervention in this matter is not warranted.¹ First, petitioner is represented by counsel in the proceedings in the district court and petitioner should proceed by and through his counsel. Second, it appears that the request for an order of transfer is moot as this court's review of the docket entries maintained by the Second Judicial District Court indicates that the district court entered an order directing petitioner's transfer to the Washoe County Detention Center on April 11, 2008.² Finally, petitioner's claim for damages should be sought in a civil complaint filed in the district court in the first instance. Accordingly, we

ORDER the petition DENIED.

 J.
Hardesty

 J.
Parraguirre

 J.
Douglas

¹See NRS 34.160; NRS 34.170.

²See <http://www.ccwashoe.com> (follow "search by person name" hyperlink).

cc: Hon. Robert H. Perry, District Judge
Jeffrey Craig Montelatici
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Karla Butko, Esq.
Washoe District Court Clerk