

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER A. LIBBY,  
Petitioner,

vs.

WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL,  
Respondent.

No. 53061

**FILED**

JAN 23 2009

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

ORDER DENYING PETITION

This is a proper person petition for extraordinary relief. Petitioner challenges the validity of his judgment of conviction and sentence of death. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise our original jurisdiction in this matter. A challenge to the validity of the judgment of conviction and sentence should be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.<sup>1</sup> See NRS 34.724(2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

Pickering, J.  
Pickering

<sup>1</sup>We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

cc: Roger A. Libby  
Attorney General Catherine Cortez Masto/Carson City  
Humboldt County Clerk