

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE GAXIOLA,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53539

FILED

APR 23 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

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

ORDER the petition DENIED.

[Signature], C.J.
Hardesty

[Signature], J.
Parraguirre

[Signature], J.
Pickering

¹We express no opinion as to whether petitioner could meet the procedural requirements of NRS chapter 34.

cc: Jose Gaxiola
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk