

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANGEL JAVIER DIAZ,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
STEFANY ANN MILEY, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 53653

FILED

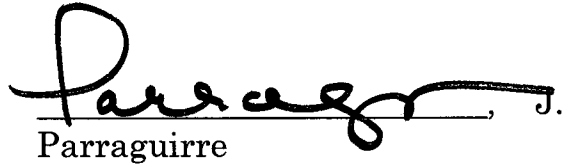
MAY 20 2009
TRACIE H. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

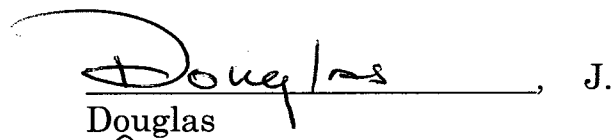
ORDER DENYING PETITION

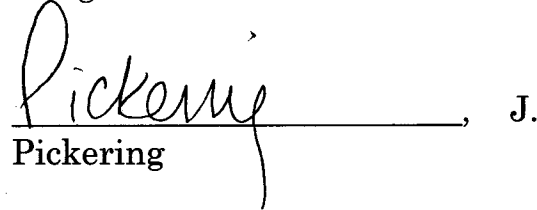
This is a proper person petition for a writ of mandamus. Petitioner claims that he filed a post-conviction petition for a writ of habeas corpus in the district court in March 2009, but that consideration of the petition was stayed pending the resolution of an appeal in this court. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise original jurisdiction in this matter. NRS 34.160. Although a post-conviction petition for a writ of habeas corpus is an independent and collateral proceeding to test the legality of confinement, Sheriff v. Hatch, 100 Nev. 664, 666, 691 P.2d 449, 450 (1984), there is no statutory authority preventing the district court from staying consideration of the matter pending resolution of an appeal in another post-conviction matter.

We are confident that the district court will resolve all pending matters as expeditiously as the court's calendar permits. Accordingly, we

ORDER the petition DENIED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Stefany Miley, District Judge
Angel Javier Diaz
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk