

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID L. COLLINS,  
Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF ELKO,  
Respondent,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 55962

**FILED**

**JUN 09 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingos*  
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus. Petitioner requests an order compelling the district court to send him documents and seeks to have his sentence vacated. 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. See NRS 34.160; NRS 34.170. To the extent that petitioner challenges the judgment of conviction, a challenge to the validity of the judgment of conviction must 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> NRS 34.724(2)(b);  
NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Andrew J. Puccinelli, District Judge  
David L. Collins  
Attorney General/Carson City  
Elko County Clerk

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