

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY M. AUSTIN,
Petitioner,

vs.

JAMES COX, WARDEN; AND NEVADA
DEPARTMENT OF CORRECTIONS,
Respondents.

No. 62462

FILED

MAR 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angel*
DEPUTY CLERK

ORDER DENYING PETITION

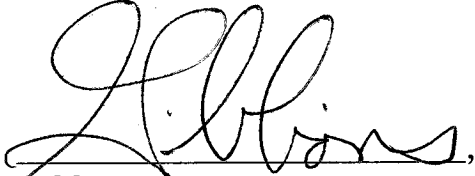
This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of his judgment of conviction and sentence. He further argues that the district court has not provided him with a copy of his judgment of conviction and has not properly filed his post-conviction petition for a writ of habeas corpus. We have reviewed the documents before this court, and without deciding upon the merits of any of the claims raised in the petition, we decline to exercise this court's original jurisdiction over this matter. See Hosier v. State, 121 Nev. 409, 411, 117 P.3d 212, 213 (2005). A challenge to the validity of a 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.¹ NRS 34.724(2)(b); NRS 34.738(1). Any challenge to the failure of the district court to provide petitioner with a copy of his judgment of conviction or to

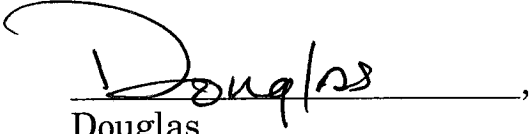
¹We express no opinion as to whether petitioner may satisfy the procedural requirements of NRS chapter 34 at this time.

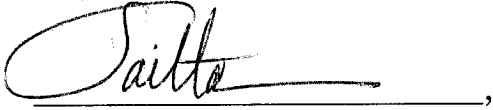
properly file petitioner's post-conviction habeas petition should be raised in a petition for a writ of mandamus. NRS 34.160.

Accordingly, we

ORDER the petition DENIED.


Gibbons, J.


Douglas, J.


Saitta, J.

cc: Jeffrey M. Austin
Attorney General/Carson City
Clark County District Attorney