

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY HOSMER,
Petitioner,

vs.

THE STATE OF NEVADA; AND
WARDEN, ELY STATE PRISON,
Respondents.

No. 71878

FILED

JAN 12 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DENYING PETITION

Petitioner Jeffrey Hosmer has filed a postconviction petition for a writ of habeas corpus. We decline to entertain the petition as it must be filed in the district court in the first instance. *See* NRAP 22; NRS 34.738. To the extent that the petition challenges a district court decision on a postconviction petition for a writ of habeas corpus, such a decision is appealable, NRS 34.575(1), and petitioner cannot seek writ relief in this court to correct the failure to pursue an appeal, *see Pan v. Eighth Judicial Dist. Court*, 120 Nev. 220, 224-225, 88 P.3d 840, 841 (2004) (explaining in context of writ of mandamus that “writ relief is not available to correct an untimely notice of appeal”); NRAP 22 (“If an application [for habeas relief]

is made to the district court and denied, the proper remedy is by appeal from the district court's order denying the writ."). Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Jeffrey Hosmer
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The motion to extend the prison copywork limit is denied as moot.