

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAVIER AGUILAR-ESPARZA,
Appellant,
vs.
ISIDRO BACA, WARDEN, N.N.C.C.;
AND THE STATE OF NEVADA,
Respondents.

No. 77752-COA

FILED

SEP 25 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Javier Aguilar-Esparza appeals from a district court order granting a motion to dismiss a postconviction petition for a writ of habeas corpus filed on May 29, 2018. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Aguilar-Esparza's petition is largely incomprehensible. He appears to have claimed that he is serving an illegal sentence because he believes that he is a civilian prisoner of war; various actions taken by the Vatican adversely impacted his right to due process; the Treaty of Guadalupe of Hidalgo limits the district court's subject matter jurisdiction over him; and the United States is now an English Corporation, a 501(c)(3) nonprofit organization, or a 509(a)(1) religious organization. He further claimed the State is a conservator under the Uniform Probate Code, asserted this fact was not stated in the charging document, and moved to have his charges vacated.

The State filed a motion to dismiss Aguilar-Esparza's petition. Aguilar-Esparza did not oppose the State's motion. And the district court granted the State's motion after finding that Aguilar-Esparza had failed to make any specific factual assertions that would entitle him to relief. We


conclude the district court's factual finding is supported by the record on appeal and the district court did not err by granting the State's motion to dismiss the postconviction habeas petition. *See Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984) (a petitioner is not entitled to postconviction relief if his claims are bare and lack specific factual allegations).

To the extent Aguilar-Esparza claims in his informal brief the district court erred by denying his motion for the appointment of postconviction counsel, the record does not demonstrate he requested postconviction counsel in his habeas petition or in a timely motion filed in conjunction with his habeas petition. Consequently, we conclude he has not demonstrated the district court erred. *See generally* NRS 34.750(1) (noting a petition may allege the petitioner is unable to employ postconviction counsel).

For the forgoing reasons, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Lynne K. Simons, District Judge
Javier Aguilar-Esparza
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk