

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TONY ALLEN PRESSLER,
Appellant,
vs.
AITOR NARVAIZA, ELKO COUNTY
SHERIFF,
Respondent.

No. 80868-COA

FILED

DEC 08 2020

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

ORDER OF AFFIRMANCE

Tony Allen Pressler appeals from a district court order dismissing a postconviction petition filed on December 17, 2019. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

Pressler claims the district court erred by dismissing his petition because he was deprived of effective assistance of counsel. However, Pressler filed his petition after he completed his sentence, and habeas relief is only available to petitioners who have not completed their sentence. *See Nev. Const. 6, § 6(1); NRS 34.724(1); Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999). Therefore, we conclude the district court did not err by dismissing Pressler's petition, and we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹We conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. *See NRS 34.750(1)*.

cc: Hon. Alvin R. Kacin, District Judge
Tony Allen Pressler
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk